

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
ORGANIZATIONAL
SESSION OF 1975

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 14, 1975



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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**JOURNAL
OF THE
SENATE
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STATE OF ALABAMA
ORGANIZATIONAL SESSION OF 1975**

FIRST DAY

JANUARY 14, 1975

This being the second Tuesday in January, A.D., 1975, and the day fixed by law and the Constitution of the State of Alabama for the Organizational Session of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Capitol, at 12 o'clock Noon, and was called to order by Lieutenant Governor Beasley. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Cecil Bradley, Minister, St. James United Methodist Church, Montgomery, Alabama.

CERTIFICATE OF ELECTION

At the direction of the President and Presiding Officer of the Senate, the Secretary read the following Certificate of Election from the Secretary of State, to-wit:

**STATE OF ALABAMA
DEPARTMENT OF STATE**

I, Mabel S. Amos, Secretary of State of Alabama, do hereby certify that it appears from the returns of the election held on November 5, 1974, received in this Department in accordance with law, that the following named persons were elected to the State Senate for a term of four years, from the Thirty-five Senatorial Districts as follows:

District No. 1 — Ronnie G. Flippo
District No. 2 — Joe Fine
District No. 3 — Bingham Edwards
District No. 4 — Finis St. John
District No. 5 — Robert T. (Bob) Wilson
District No. 6 — Albert McDonald
District No. 7 — Bill G. King
District No. 8 — John Baker
District No. 9 — Sid McDonald
District No. 10 — Gerald W. Waldrop

District No. 11—George McMillan
District No. 12—Paschal P. ("Pat") Vacca
District No. 13—J. Richmond Pearson
District No. 14—Robert L. "Bob" Ellis, Jr.
District No. 15—U. W. Clemon
District No. 16—Richard C. Shelby
District No. 17—Eddie Hubert Gilmore
District No. 18—Obie J. Littleton
District No. 19—Robert (Bobby) Weaver
District No. 20—Donald W. Stewart
District No. 21—T. D. (Ted) Little
District No. 22—C. C. "Bo" Torbert
District No. 23—T. Dudley Perry
District No. 24—Sam L. Adams
District No. 25—E. C. (Crum) Foshee
District No. 26—Jerry Powell
District No. 27—Fred Jones
District No. 28—Wendell Mitchell
District No. 29—Walter C. Givhan
District No. 30—Bert Bank
District No. 31—Maston Mims
District No. 32—L. D. (Dick) Owen, Jr.
District No. 33—Mike Perloff
District No. 34—L. W. "Red" Noonan
District No. 35—Bill Roberts

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 13th day of November, One Thousand Nine Hundred and Seventy-four.

MABEL S. AMOS,
Secretary of State.

STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

"The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following members of the Senate certified elected by the Secretary of State on November 5, 1974, their credentials having been presented, and oath of office subscribed to by each Senator, to-wit:

"Bingham Edwards
Finis St. John
Albert McDonald
Bill G. King
Sid McDonald
Gerald W. Waldrop
George McMillan
Paschal P. Vacca
J. Richmond Pearson
Robert L. Ellis, Jr.
U. W. Clemon
Richard C. Shelby

Donald W. Stewart
T. D. Little
T. Dudley Perry
Sam L. Adams
Jerry Powell
Fred Jones
Maston Mims
L. D. Owen, Jr.
Mike Perloff
L. W. Noonan
Bill Roberts"

OATH OF OFFICE

Upon the request of the President and Presiding Officer of the Senate, Honorable Jere Beasley, the following Senators-elect came forward, presented their credentials, and Honorable Jere Beasley administered to them the oath of office prescribed by the Constitution of the State, and each Senator-elect came forward and subscribed his name to the oath of office as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God."

"John Baker
Bert Bank
Joe Fine
Ronnie G. Flippo
Crum Foshee
Eddie Hubert Gilmore
Walter C. Givhan
Obie J. Littleton
Wendell Mitchell
C. C. Torbert
Robert W. Weaver
Robert T. Wilson"

ROLL CALL

Whereupon, on a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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ELECTION OF OFFICERS

The President and Presiding Officer of the Senate announced that the next order of business was the election of officers as follows: President Pro Tempore and Assistant Secretary.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. Mitchell placed in nomination for President Pro Tempore of the Senate the name of Honorable Joe Fine, which nomination was seconded by Messrs. Flippo and Gilmore.

Those who voted for Mr. Fine are:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Mr. Fine, having received a unanimous vote of the Senate, was declared duly and constitutionally elected President Pro Tempore of the Senate for the term prescribed by law.

OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by Honorable John DeCarlo, Judge, Criminal Court of Appeals, to Honorable Joe Fine, President Pro Tempore.

ELECTION OF ASSISTANT SECRETARY

Mr. Fine placed in nomination for Assistant Secretary of the Senate the name of Louis C. Rutland, seconded by Messrs. Foshee and Baker.

Those who voted for Mr. Rutland are:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

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Mr. Rutland, having received a unanimous vote of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate, for the term prescribed by law.

OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the President and Presiding Officer of the Senate to Honorable Louis C. Rutland, Assistant Secretary of the Senate.

RESOLUTIONS

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature:

JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE
OF ALABAMA
1975

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bills.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number and title of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print two hundred and fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service in aid of the reference work required by law to be done by the Service for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills and other proposed legislation to the Clerk or Secretary. This shall be known as "prefiling". Such measures shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Prefiled measures shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of congratulation, commendation, or sympathy shall

have a title and shall, upon introduction, be read by title only, and shall then lay over for one legislative day on the desk of the Secretary or Clerk. On the next legislative day, all such resolutions shall again be read by title only, and shall then be adopted en masse by a single motion and a single vote. Any member may object to the inclusion in the en masse adoption of a specific resolution, and that specific resolution will then be taken up separately. Such resolutions shall be sent to the second house on a single message and upon receipt in the second house, the same procedure shall be followed.

12 (a). No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

The provisions of Rule 12 shall become effective on the first day of the Regular Session of the 1975 Legislature.

13. No bill amending an existing statute shall be introduced in the Legislature unless: (a) the subject of the bill, independent of references to code sections, is clearly expressed in the title, and (b) unless the material to be inserted is shown by underscored type.

14. All bills, except local bills and general bills with local application, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

On motion of Mr. Owen, the Rules were suspended and the Resolution S. J. R. 1, was adopted by the Senate.

Mr. Owen then offered the following Senate Resolution, to-wit:

S. R. 2. BE IT RESOLVED That the following are hereby adopted as the Rules of the Senate for the ensuing quadrennium, to-wit:

GENERAL RULES OF ORDER AND PROCEDURE

RULE 1. The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. He shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business; if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 38.

RULE 2. Unless it is otherwise specially provided for by resolution or motion, the Senate shall meet at ten o'clock A.M., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

RULE 3. No person shall be admitted to the floor of the Senate's chamber while the Senate is in session except members and former

members of the Legislature (provided, however, that when former members are on the floor, they shall not be engaged in any lobbying activity), officers and employees of the two houses, the Governor and his Executive Secretary, representatives of the press, who shall be placed by the Secretary of the Senate, the directors and employees of the Department of Archives and History, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and the Director and employees of the Legislative Reference Service in aid of the Senate in their work; provided, however, that on the first legislative day of any regular, special, or organizational session the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

RULE 4. Only the presiding officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only as such times as will not interrupt or disturb the orderly transaction of the business of the Senate.

RULE 5. No person shall be allowed to lobby in the Senate's chamber while the Senate is in session.

RULE 6. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present any petition, memorial, or address, or to have any such petition, memorial, or address read.

RULE 7. After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Bills on third reading;
- 8th, Special orders of the day at twelve o'clock noon;
- 9th, Other business.

RULE 8. The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution previously considered and reported by the committee on rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

RULE 9. Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to committees shall be introduced.

RULE 10. No bills other than advertised local bills or general bills with local application shall be introduced in the Senate during a regular session after the Senate adjourns on the 30th legislative day.

RULE 11. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day.

RULE 12. Special orders shall not be called on any legislative day before twelve o'clock noon, unless specially set for some other hour by motion or resolution.

RULE 13. Each motion or resolution for a special order shall be first referred to and reported from the committee on rules.

RULE 14. Bills on third reading postponed to a day certain shall take precedence of other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

RULE 15. When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

RULE 16. Every motion shall be reduced to writing upon request of the presiding officer or of any Senator. Written motions shall be delivered to the Secretary at the table and read before the same shall be debated.

RULE 17. Before any memorial or petition addressed to the Senate shall be received and read at the table, a brief statement of its contents shall be made by the introducer.

RULE 18. When a question is under debate, no motion shall be received but (1) to adjourn, (2) to adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day certain, and to lay on the table shall always be in order and shall be decided without debate.

RULE 19. The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

RULE 20. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by eighteen or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if two-thirds of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

RULE 21. Messages may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

RULE 22. No discussion or debate shall be allowed while a vote is being taken.

RULE 23. Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

RULE 24 (a). No bill amending an existing statute shall be accepted for introduction in the Senate unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

RULE 24 (b). All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

RULE 24 (c). No bill shall be accepted by the Secretary for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

The provisions of Rule 24 shall become effective on the first day of the Regular Session of the 1975 Legislature.

RULE 25. When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

RULE 26. If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

RULE 27. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent a subsequent motion to strike out and insert.

RULE 28. In filling blanks, the largest sum and longest time shall be put first.

RULE 29. When a vote has been taken on any question, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

RULE 30. When any question may have been decided by the Senate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.

RULE 31. Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

RULE 32. All motions to go into executive session shall be decided without debate.

RULE 33. Executive messages shall be considered with open doors, unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate, but all executive nominations and appointments and

executive amendments and vetoes shall be referred to, and be reported from the committee on rules before consideration by the Senate.

RULE 34. The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again read a second time, and then the aforesaid question shall be put.

RULE 35. During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 32nd legislative day.

RULE 36. No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the committee on rules, and said committee must report thereon. Any rule may be suspended by unanimous consent of the Senate. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of the objecting Senators shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on rules.

RULE 37. During the period between the end of the regular session and the convening of the next regular session, members may deliver bills and other proposed legislation to the Secretary of the Senate, which shall be known as "prefiling". Such measures shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed measures shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; provided, however, that no bill or other proposed legislation shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the following general election.

RULES RELATING TO SENATORS

RULE 38. No Senator shall absent himself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent Senator shall be paid out of funds appropriated for the Legislature.

RULE 39. When the yeas and nays shall be called for by one-tenth

of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

RULE 40. No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time. The originator of the pending question, or the chairman of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

RULE 41. When a Senator shall be called to order by the President, or a Senator, he shall immediately sit down.

RULE 42. The Secretary shall cause to be printed for the use of each Senator, and each Senator shall promptly execute, a form on which there shall appear a place for the signature of such Senator and above it a statement of the names and addresses of each public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry subject to regulation by the Alabama Public Service Commission with which the Senator may at that time or at any time within one year prior to the convening of the Senate in regular biennial session have been connected, as agent, employee, officer, director or attorney, or from which he receives, or has during such time received, compensation, direct or indirect, or has received a pass or rate concession or reduction of any nature whatsoever. If no such connection exists, a statement to that effect shall be made. Executed forms, and an unfilled form bearing the name of each Senator who fails to execute a form, shall be bound in alphabetical order, in a permanent volume, on or before the fifth legislative day of the regular biennial session, which volume shall be kept open to public inspection in the office of the Secretary while the Senate is in session and shall be thereafter deposited with the permanent records of the Legislature.

RULES RELATING TO PRESIDING OFFICER

RULE 43. In the absence of the President when the Senate convenes, the President pro tempore shall preside; however, the President shall have the right to name a member to perform temporarily the duties of the Chair.

RULE 44. All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

RULE 45. Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate. The Chair may call for

the sense of the Senate on any question of order or on any other matter properly before the Senate.

RULE 46. When two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

RULE 47. The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

RULE 48. The President shall control such parts of the Capitol and its passages as are set apart for the use of the Senate and its officers, and may, in his discretion, permit the proceedings of the Senate to be photographed, televised, or broadcast.

RULE 49. All committees of the Senate and the Chairmen and vice-chairmen thereof shall be named by the President.

RULES RELATING TO COMMITTEES

RULE 50. There shall be seventeen (17) standing committees on the following subjects:

(1) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations, (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rule 54), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would effect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rule 54. The Committee shall consist of seventeen (17) members.

(2) Rules, which committee shall have supervision over the Revision of the Journal, enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 8); motions or resolutions for a special order (Rule 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments and executive amendments and vetoes (Rule 33); propositions to suspend, modify, or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55); after the 32nd legislative day, to act upon bills that originate in the Senate (Rule 58); after the 34th legislative day, to act upon bills that originate in the House of Representatives (Rule 59). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Rule 82 and Rule 84). The Committee on Rules shall consist of seven (7) members.

(3) Judiciary, to which committee shall be referred all bills and other matters concerning the judiciary, judicial proceedings, law enforcement, and penal and correctional institutions and programs. The Committee on the Judiciary shall consist of fifteen (15) members.

(4) Constitution and Elections, to which committee shall be referred

all bills, resolutions, and other matters concerning proposed amendments to the Constitution of Alabama. The committee shall also consider all bills and other matters pertaining to elections. The Committee on Constitution and Elections shall consist of fifteen (15) members.

(5) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including unemployment compensation, workmen's compensation, and industrial labor relations. The Committee on Business and Labor Relations shall consist of eleven (11) members.

(6) Conservation, to which committee shall be referred all bills and other matters of the State relating to forestry, fish and game, soil conservation, and public waters and lands. The committee shall also consider bills and other matters relating to state parks, historical sites, and outdoor recreational facilities. The Committee on Conservation shall consist of nine (9) members.

(7) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of fifteen (15) members.

(8) Health and Welfare, to which committee shall be referred all bills and other matters concerning the health or welfare of the people of Alabama. The Committee on Health and Welfare shall consider bills and other matters relating to hospitals and other health facilities, the mental health program, and mental institutions. In addition, the committee should consider bills and other matters relating to social security and public assistance and welfare programs. The Committee on Health and Welfare shall consist of nine (9) members.

(9) Banking, to which committee shall be referred all bills and other matters concerning banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business. The Committee on Banking shall consist of nine (9) members.

(10) Insurance, to which committee shall be referred all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Insurance shall consist of nine (9) members.

(11) Agriculture, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama. The Committee on Agriculture shall consist of thirteen (13) members.

(12) Commerce, Transportation, and Utilities, to which committee shall be referred all bills and other matters concerning commerce and the economic system of the State, industrial and economic development, natural and mineral resources, motor vehicles, traffic regulations, highways, railways, airports and air transportation facilities, pipelines, and all matters relating to common carriers or other forms of transportation. Also, the committee shall consider and report on matters concerning utilities and utility systems within the State. The Committee on Commerce, Transportation, and Utilities shall consist of nine (9) members.

(13) State Government, to which committee shall be referred all bills

and other matters concerning the organization and operation of the state government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of the state government, and matters pertaining to the merit system, or otherwise related to employment in the state civil service. The Committee on State Government shall consist of eleven (11) members.

(14) Local Government, to which committee shall be referred all bills and other matters concerning the organization and government of any incorporated municipality in the State of Alabama and all bills and other matters relating to counties in Alabama. The Local Government Committee shall consist of eleven (11) members.

(15) Seaports and Inland Waterways, to which committee shall be referred all bills and other matters relating to ports, harbors, docks, waterways, and maritime matters. The Committee on Seaports and Inland Waterways shall consist of nine (9) members.

(16) Local Legislation No. 1 to which shall be referred all bills and other matters concerning local legislation in counties having a population of less than 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of nine (9) members.

(17) Local Legislation No. 2 to which shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of eight (8) members.

RULE 51. No committee, with the exception of the committee on rules, shall meet on the Senate floor while the Senate is in session. No committee shall meet off the Senate floor while the Senate is in session unless the time and place shall be previously announced by the presiding officer.

RULE 52. Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred to a standing committee having the subject matter thereof for consideration.

RULE 53. When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the chair to study one specific question and ceases to exist when the purpose for which it was selected has been resolved.

RULE 54. A bill or resolution carrying an appropriation may be referred to a committee other than the Committee on Finance and Taxation if the subject matter requires such referral in the judgment of the presiding officer. However, such bill or resolution must also be referred to and reported by the Committee on Finance and Taxation before being given a second reading.

RULE 55. All resolutions shall be referred to and reported from the

committee on rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration.

RULE 56. When a bill has been acted upon by a standing committee, the committee's chairman shall endorse on said bill:

"This bill was referred to the standing committee on _____ and was acted upon by such committee in session and is by order of the committee returned therefrom with _____. This _____ day of _____, 19____."

_____, Chairman."

RULE 57. A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

RULE 58. After the Senate adjourns following the 32nd legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the Senate.

RULE 59. After the Senate adjourns after the end of the 34th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the House of Representatives.

RULE 60. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

RULE 61. The final vote of a committee on a bill or resolution shall be recorded and kept as a permanent record in the office of the Secretary of the Senate.

RULE 62. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon and the bill or resolution shall be delivered forthwith to the Secretary, who shall note the unfavorable report on the register or docket of bills. The Secretary shall keep and print a calendar of adversely reported bills and resolutions, adding bills and resolutions from day to day without reprinting. Any Senator may, after one day's written notice, on the day named in the notice, after the call of standing committees, move the second reading of such bill or resolution. By a majority vote of the entire Senate, the bill or resolution may be read by its title a second time and be placed on the calendar. Only thirty minutes to the side shall be allowed for the discussion of such motion, which time may be divided as the Senators favoring or opposing the same may agree, for their respective sides.

RULE 63. The Committee on Rules may report at any time.

RULE 64. Whenever the chairman of any committee shall refuse to call a meeting of such committee, then a majority of the members of the committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the chairman and vice-chairman are absent at any committee meeting, a majority of a committee may designate any member of the committee as acting chairman for that particular meeting only.

RULES RELATING TO THE SECRETARY AND THE JOURNAL

RULE 65. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

RULE 66. The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted on the journal.

RULE 67. The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

"INTRODUCTION OF BILLS

"Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)"

RULE 68. When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

"Mr. _____, Chairman of the standing committee on _____, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a _____, which bills were severally read a second time and placed on the calendar, to-wit."

RULE 69. On the signing of bills or resolutions, the Secretary shall make the journal read:

"SIGNING OF BILLS (OR RESOLUTIONS)

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message from the House, or Report from the Committee on Rules as the case may be)."

RULE 70. Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

RULE 71. The Secretary shall provide the chairman of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the chairman of standing committees as such space is made available to the Senate.

RULE 72. Upon adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment and the name of the member on whose motion adjournment was adopted.

RULE 73. If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.

RULE 74. The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading, which bills and resolutions shall be arranged in the order in which they are entitled to consideration. In the event a special order is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, a numerical index of all Senate and House bills contained in that day's calendar (with the number of the page on which the bill appears in the calendar printed opposite the bill's assigned number) shall be printed on the last pages of that day's calendar, or on separate pamphlet which can be slipped into the back of the calendar.

RULE 75. The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief biography of each Senator, his address, home and business phone, and committee assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

RULE 76. Every bill or resolution making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by the Senate, have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in public spending or the increase or decrease in revenue collections under the provisions of the bill. The fiscal note shall be prepared by or under the supervision of the standing committee to whom the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee on Finance and Taxation. No bill or resolution shall be given its third reading if affected by this rule, unless it has affixed thereto a valid fiscal note.

RULE 77. The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous subjects". The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanatory material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

RULES RELATING TO LOBBYING

RULE 78. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage,

defeat or modification of any legislation in the Senate or before its committees shall, before engaging in such activities, register with the Secretary of the Senate. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

RULE 79. Method of Registration. At each regular or special session of the Legislature prior to engaging in the activities described in Rule 78 above, every such person shall register on forms prepared by the Secretary and shall state under oath his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

The Secretary shall publish in the journal of each regular and special session, in tabulation form, a list of those filing the registration statements under this rule together with the information contained therein.

No registered lobbyist shall be permitted upon the floor of the Senate while it is in session.

RULE 80. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Senate in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the Senators or committees with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

RULE 81. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

RULE 82. Rules Committee Advisory Opinions. A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and may appear in person before said committee.

The Committee on Rules shall render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case

would constitute a violation of these rules. All opinions shall delete names and be numbered, dated, and published in the journal of the Senate.

RULE 83. Compilation of Opinions; Lists of Lobbyists. The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules as well as a current list of registered lobbyists which shall be open to public inspection.

RULE 84. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate, upon recommendation of the Committee on Rules. The Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

RULE 85. Secretary to Provide Forms. The Secretary shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

RULE 86. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Mr. Owen, the Resolution, S. R. 2, was adopted by the Senate, and the Rules as set out in said Resolution were adopted as the Rules of the Senate for the ensuing quadrennium.

Yeas 35; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May following, whose duty it shall be to make a careful investigation and study of the financial condition of the State, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the

President Pro Tempore of the Senate, the Lieutenant Governor and four members of the Senate to be appointed by the Lieutenant Governor and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and four members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio members of the Committee.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means Committee shall be Vice Chairman. The Chairman of the Committee, or in his absence, the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, legal, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

4. The final report of the committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth legislative day of the regular session. Upon the submission of the final report the committee shall stand dissolved.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of two members of the House, to be appointed by the Speaker, and two members of the Senate, to be appointed by the Lieutenant Governor.

On motion of Mr. Fine, the Rules were suspended and the Resolution, S. J. R. 4, was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That there shall be an Interim Fiscal Advisory Committee to the Governor, to be composed of the Speaker of the House, the Chairman of the House Ways and Means Committee, President of the Senate, the Chairman of the Senate Finance and Taxation Committee, and the Director of Finance. The Committee shall meet on call of the chairman, and may employ such employees as may be needed to carry out the purpose of the Committee. Members shall receive the regular per diem pay and

allowances provided for legislators for each day spent on Committee business. The pay and expenses of the Committee and its assistants shall be paid from funds appropriated to the use of the Legislature in accordance with Title 32, Section 13, Code of Alabama. The President of the Senate shall serve as Chairman of the Committee, the Speaker of the House shall serve as Vice Chairman thereof.

On motion of Mr. Fine, the Rules were suspended and the Resolution, S. J. R. 5, was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That there is hereby created a Joint Interim Fiscal Study Committee, hereinafter called "Committee."

a. The Committee shall be composed of the Speaker of the House, the President of the Senate, the Chairman of the Senate Finance and Taxation Committee, the Chairman of the House Ways and Means Committee, the Senate President Pro Tem, the House Speaker Pro Tem, four members from the Senate to be appointed by the presiding officer of the Senate, and four members from the House to be appointed by the Speaker of the House. The Speaker of the House shall serve as Chairman of the Committee. The Legislative Fiscal Consultant shall serve as Secretary to said Committee.

b. The Committee shall meet at the call of the Chairman as soon as practicable following the adoption of this resolution. The Committee shall inquire into the fiscal status of the Departments and Agencies of the State of Alabama, specifically ascertaining with respect to such, the anticipated or projected cost of operation for the remainder of the 1974-75 fiscal year and also ascertaining whether or not available appropriations or anticipated revenues specifically allocated to such Departments and Agencies are adequate to cover such projected costs. Specific inquiry shall be made to ascertain whether any current activities or programs of the State must be curtailed or abandoned during the 1974-75 fiscal year due to nonavailability of funds. The Committee shall ascertain the present financial posture of those Departments and Agencies of the State of Alabama which in the Committee's judgment face unique and immediate financial difficulties or require special inquiry or investigation.

c. The Committee shall also be authorized to make inquiries as to future budgetary and fiscal matters affecting any Department, board, bureau, commission, office, institution, college, university, school board, or agency if the Committee feels that such action would assist the Senate Finance and Taxation Committee and the House Ways and Means Committee in their later deliberations.

d. The Committee may make any other fiscal or budgetary inquiry or investigation that it deems necessary or desirable.

e. All departments, boards, bureaus, commissions, agencies, offices and institutions of the State shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

f. The Chairman of the Committee created under this joint resolution

shall be empowered to employ such clerical, legal, and stenographic assistance as may be necessary and with the cost of such to be paid as provided by Section 13, Title 32 of the Code of Alabama of 1940, as Recompiled.

g. The compensation of committee employees shall be paid as provided in Code 1940, Title 32, Sections 13 and 14. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions to be paid in the same manner as such compensation and expenses.

h. The Committee shall prepare a written report of its findings and recommendations, which report shall be furnished to the Governor and to each member of the Legislature by no later than May 1, 1975, and such Committee shall stand discharged upon the submission of its final report. The Committee shall also make and file a preliminary report of its activities to the Governor and to the Senate Finance and Taxation Committee and the House Ways and Means Committee prior to February 12, 1975.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Owens, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 2. COMMENDING SPEAKER SAGE LYONS

WHEREAS The Honorable Sage Lyons, Speaker of the House for the past four years, has performed the duties of his office with distinguished ability and unswerving dedication; and

WHEREAS the exemplary patience, perseverance, concerted efforts and sense of fairness of Mr. Lyons as Speaker of the House has earned for him the respect and affection of each member of this body; and

WHEREAS Mr. Lyons, who is a native and prominent young attorney of Mobile, graduated from Washington and Lee University and earned his law degree from the University of Alabama; he is an army

veteran and has long been actively engaged in progressive movements for the betterment of his locality and of the entire state; and

WHEREAS Mr. Lyons was named to a vacancy in the House from Mobile in 1969 and was returned for a full term in 1971 at which time he was elected Speaker of the House; his career as a public servant has been distinguished by his integrity and honesty, his insight and efficiency, and his sound, impartial and fair judgment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend Mr. Lyons for his outstanding leadership and guidance which he has so diligently provided during the past administration. His untiring efforts and valuable services which he has so generously contributed are deeply appreciated. We thank him for his many kindnesses and thoughtful considerations to the members of this legislature, and commend him for a job well done.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Flippo offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

There is hereby created and established a study and review committee to be known as State Auditing Committee which shall be composed of nine members, five of whom shall be members of the House of Representatives to be appointed by the Speaker of the House; four of whom shall be members of the Senate to be appointed by the Lieutenant Governor. The members shall elect from among the committee members a chairman, vice-chairman, and secretary.

The members of the committee created by this resolution shall receive no pay, but may be reimbursed for their reasonable and necessary out of pocket expenses in the performance of their duties.

The committee may employ and fix the compensation of such stenographic and clerical personnel, specialist and legal counsel as may be necessary to properly carry out its duties. The compensation of employees employed under the provisions of this resolution and any other expenses and allowances of the committee shall be paid out of the funds appropriated to the use of the Legislature.

The committee's study and review shall provide a broad overview of current status of auditing in Alabama government and recommended guidelines for future improvement; and the scope of such study and review shall consist of the following:

1. Study and review the existing governmental audit roles, responsibilities and interrelationships in all audit agencies of the State of

Alabama including the office of State Auditor and Examiner of Public Accounts in order to:

- a. Determine the present audit objectives and the extent to which they are being achieved;
 - b. Evaluate the present audit objectives and audit approaches and determine where modifications of either are appropriate; and
 - c. Suggest alternative means by which suggested changes may be implemented.
2. Study and review the audit-related recommendations within the Governor's Cost Control Survey, assess their sufficiency and admissibility, and develop an implementation plan.

3. Investigate the availability of federal and other assistance in attaining the most efficient, economic and professional audit network possible within the state.

The committee shall make a final report of its study and review, and its recommendations to the Legislature not later than the tenth legislative day of the 1975 Regular Session thereof and shall be thereupon dissolved.

The provisions of this resolution are severable. If any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

On motion of Mr. Flippo, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Foshee, Jones, Gilmore, Littleton, Edwards, Owen, Perry, Mitchell, Fine, Powell, Stewart and Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE REGULATION OF PUBLIC UTILITIES IN ALABAMA.

WHEREAS the rates charged by public utilities within the State of Alabama have been going up at an astronomical rate; and

WHEREAS the general public is becoming vitally concerned and worried about the regulation of public utilities within this state; and

WHEREAS there is a loud and incessant demand on the part of the public for the legislature to study regulation and control of public utilities and public utility rate making within this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Interim Committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets and ramifications concerning the regulation of public utilities in this state.

The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. CREATING AN INTERIM STUDY COMMITTEE ON IMPROVING THE CRIMINAL JUSTICE SYSTEM OF THIS STATE.

WHEREAS there is great and pressing need for a comprehensive study of the criminal justice system in the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study any improvements that can be made in the criminal justice system of Alabama. Such committee shall be composed of five members of the Senate and six members of the House of Representatives to be appointed by the presiding officer of their respective houses. The committee chairman shall be named by the presiding officer of the Senate and the committee vice chairman shall be named by the presiding officer of the House. Six members of the committee shall constitute a quorum to transact business.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Littleton and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY CURRENT SYSTEM OF GOVERNING THE INSTITUTIONS OF HIGHER LEARNING IN ALABAMA.

WHEREAS, considerable question has been raised as to whether or

not the State of Alabama is using the best system for governing its institutions of higher learning; and

WHEREAS, various and different ideas such as the use of a board of regents have been put forward as a better method; and

WHEREAS, it would be time well spent for the Alabama Legislature to have a select committee study the various questions and facets for governing the many different types of institutions of higher learning in this state;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the house and four members of the senate, to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets of the current and any proposed new system for governing the institutions of higher learning within the State of Alabama.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistants as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, or warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. King, Baker, Jones, Shelby, Bank, McDonald (A) and Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. ESTABLISHING A JOINT SELECT COMMITTEE ON STATE CAPITOL BUILDING OFFICE SPACE.

WHEREAS, It has long been recognized by past legislatures that there was need for more space in the State Capitol Building and in the State Capitol complex for office space to house legislative and legislative service organization functions; and

WHEREAS, this need for legislative and legislative service organization office space has become even more acute in recent years; and

WHEREAS, there is great need to appoint a joint select committee on State Capitol Building office space for the purpose of securing and allocating additional space for the legislature and legislative service organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the presiding officers

of the House and the Senate shall each appoint three members from their respective bodies to serve on a joint select committee on State Capitol Building office space for the purpose of securing and allocating additional space in the State Capitol Building and in the State Capitol complex for the use of the legislature and legislative service organizations. Said committee shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending committee meetings which shall be paid out of sums appropriated for the use of the legislature. The members of said committee shall choose from among themselves one member to serve as chairman.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Torbert requested that he be recorded as voting "Nay" on the Resolution, S. J. R. 11.

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. CREATING A COMMITTEE FOR STUDYING A UNIFORM SYSTEM FOR REPORTING AND INVESTIGATING DEATHS.

WHEREAS in the State of Alabama, an annual average of 5,500 persons die without the attendance of a physician and whose deaths are certified without proper investigation; and

WHEREAS a great need exists for a new and adequate system for reporting and investigating such deaths uniformly throughout the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to be composed of five members of the House, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the President of the Senate, to study a uniform system for reporting and investigating deaths.

As soon as practicable after their appointment, members of the committee shall meet and appoint a chairman and vice chairman from among their number. Thereafter the committee shall meet upon the call of its chairman or upon the call of a majority of its members at such time and place as may be designated in the call.

It shall be the duty of the committee to study the method of investigation and manner of certification of deaths within the State of Alabama which study shall include but not be limited to deaths without a doctor's attendance, accidental death, homicide, suicide and natural causes for which there are no adequate facilities or means for determination presently provided.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Members of the committee shall be entitled to their regular pay and

per diem expenses, including mileage, for each day in which they are actually engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature as soon as practicable, but not later than the tenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved.

Which was read and referred to the Standing Committee on Rules.

Lieutenant Governor Beasley and Messrs. Jones, McDonald (S), Perloff, Baker, Littleton, Fine, Givhan, Mims, Mitchell, Owen, Bank, Vacca, Gilmore, Foshee, Wilson, King, Ellis, Torbert, Stewart, Noonan, Shelby, McDonald (A), St. John, Edwards, Flipppo, Clemon, Powell, and Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. MOURNING THE DEATH OF ALFRED WILLIAM STEINEKER, JR.

WHEREAS the State of Alabama suffered a distinct loss in the death of one of its most valued career employees, Mr. Alfred William Steineker, on January 8, 1975; and

WHEREAS Mr. Steineker, who was affectionately known as "Al" to his host of friends and admirers, had been employed by the Department of Examiners of Accounts since 1956, had been Chief Examiner since October 1, 1968 and had recently been reappointed to another seven year term to that office; and

WHEREAS Mr. Steineker was widely recognized as a man of uncommon ability, with complete and unquestioned integrity and known for his willingness to help others in need of his assistance; and

WHEREAS Mr. Steineker served his country with valiance and distinction for three and one-half years in World War II, during which time he was severely wounded in battle and was subsequently discharged from service with the rank of first lieutenant; and

WHEREAS Mr. Steineker was a loyal alumnus of the University of Alabama having graduated from that institution with a bachelor of arts degree in accounting in 1954; and

WHEREAS Mr. Steineker is survived by his wife, Mrs. Catherine Norton Steineker; two daughters, Helen Jean and Anita; two sons, Alfred William III and Clarence Arthur; his mother, Mrs. Anita S. Steineker, all of Montgomery, a number of other relatives and a host of friends who mourn his death; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mr. Alfred William Steineker, Jr. and extend our sincere and heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. CONGRATULATING ALABAMA TECHNICAL COLLEGE ON ITS FIFTIETH ANNIVERSARY.

WHEREAS, the Legislature of Alabama does hereby congratulate the Alabama Technical College, formerly known as the Alabama School of Trades, in the year in which it will attain its fiftieth anniversary of serving the people, industry and businesses and enhancing the knowledge, skills and income of the people of this state through those fifty years, and

WHEREAS, the Alabama Technical College was the first school of trades in the State of Alabama, having opened its doors on September 14, 1925, in the City of Gadsden, Etowah County, Alabama, and serving not only Etowah County but all of the counties of Alabama in a far-sighted concept that has raised higher the skills of Alabamians, along with income, and provided available skills for existing and new industry in the state since its inception, and

WHEREAS, the Alabama Technical College was the first state supported and operated trade school south of the Mason-Dixon line; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do congratulate the Alabama Technical College, its president, faculty and employees, and all those who have worked in the past to make the Alabama Technical College a shining example among vocational schools in this nation.

BE IT FURTHER RESOLVED, That by these presents the Legislature of Alabama wishes the eternal continuation of this noble institution and its fine work.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the President, Mr. Robert W. Howard.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. JOINT RESOLUTION TO CREATE A JOINT INTERIM ECONOMIC STABILITY STUDY COMMITTEE

WHEREAS, the State of Alabama is a "borrower" or a capital deficient state and does not at present generate sufficient savings or other investment moneys to sustain and finance its normal economic growth, and

WHEREAS, such economic growth is essential to the well-being of all its citizens through creation of new jobs and with the expansion of agricultural and industrial development, and

WHEREAS, there is now something which approximates a national money market which effects interest rates on a national basis by the operation of several factors, among the more significant of which are the available supply of money and the demand therefor. This supply of money comes from individual savers and investors, as well as institutional investors, businesses and others supplying capital. Such capital must be induced—it cannot be forced. To a substantial degree, prevailing national rates of interest regulate and control the ability to attract to and retain in

Alabama funds necessary to sustain economic growth in this State and to increase the standard of living of all our citizens, and

WHEREAS, it is essential that the Legislature of Alabama be fully informed as to whether Alabama's usury laws impose a ceiling below the national money market;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That there is hereby created a Joint Interim Economic Stability Study Committee, hereinafter called "Study Committee."

(a) The Study Committee shall be composed of four members of the State Senate to be named by the Lieutenant Governor, one of whom shall be designated to serve as chairman and five members of the House of Representatives to be named by the Speaker of the House, one of whom shall be designated as vice-chairman.

(b) The Study Committee shall meet at the call of the chairman as soon as practicable following the adjournment of the Organizational Session of the Legislature in January of 1975 and shall inquire into the entire economic climate of the State of Alabama as it relates to interest rates and usury statutes. Specific inquiry shall be made to determine whether or not sufficient credit is available to the consuming public of Alabama.

(c) The committee shall consider and study the need for interest rate legislation and shall make recommendations to the legislature and propose legislation in this area.

(d) The Study Committee shall prepare a written report of its findings and proposed legislation to the Governor and to each member of the Legislature by no later than May 1, 1975, and such Study Committee shall stand discharged upon submission of its written report.

(e) The pay of the members of the committee shall be the same as their regular legislative per diem and the expense allowance for each day while in the attendance of committee meetings to be computed as set forth in the Code of Alabama. The pay and expenses of the committee and its assistants shall be paid from funds appropriated to the use of the Legislature.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Torbert requested that he be recorded as voting "Nay" on the Resolution, S. J. R. 15.

Messrs. King, McDonald (A) and Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. NAMING THE DUAL BRIDGES LOCATED IN HUNTSVILLE ON U. S. HIGHWAY 431, MEMORIAL PARKWAY THE "VETERANS OF FOREIGN WARS BRIDGES."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dual bridges located in Huntsville, Madison County, Alabama on U. S. Highway 431

Memorial Parkway be designated, named and known as the "Veterans of Foreign Wars Bridges," as a fitting tribute to all those who have served their country on foreign soil and foreign waters.

BE IT FURTHER RESOLVED That the Director of the State Highway Department shall cause appropriate signs and markers to be erected.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones, Mitchell and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. MOURNING THE DEATH OF MANFORD ENOCH FURR

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of M. E. Furr while courageously attempting to protect his fellowman on October 12, 1974; and

WHEREAS, M. E. Furr served his fellow citizens of Montgomery as a policeman from December 15, 1946, until his retirement April 30, 1970; and

WHEREAS, M. E. Furr exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, M. E. Furr took a lively interest in the civic and religious life of his community; and

WHEREAS, M. E. Furr's courage and devotion brought honor to himself and to law enforcement; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do pass this resolution as a memorial honoring M. E. Furr for his outstanding services to the City of Montgomery and to the State of Alabama and that we extend our deepest sympathy to his wife and daughter on this occasion of their great loss.

BE IT RESOLVED that copies of this resolution be sent to Mr. Furr's widow and daughter.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

Lieutenant Governor Beasley and Messrs. Mims, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. HONORING MRS. MABEL AMOS UPON HER RETIREMENT FROM PUBLIC LIFE

WHEREAS, Mrs. Mabel Amos, affectionately known to her thousands of friends as "Miss Mabel" is retiring from public life after 8 years as a State employee, 28 years of service in the Governor's office and 8 years as Secretary of State, and

WHEREAS, "Miss Mabel's" youthful outlook, vivacity and warm personality will be greatly missed in the State Capitol, and

WHEREAS she has always contributed generously of her time, talent and means to her state, her fellow citizens and to the Governors she served so long and faithfully, viz: Governor Frank Dixon, Governor Chauncey Sparks, Governor Jim Folsom (twice), Governor Gordon Persons, Governor John Patterson and Governor George C. Wallace, and

WHEREAS she has made many innovations and improvements in the office of Secretary of State, and

WHEREAS she will be most sorely missed for the wit and personal charm she lavishly bestowed upon all who came near her, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do thank her for her long and faithful service to her fellow man and the State of Alabama and wish her a long, happy and richly deserved retirement.

BE IT FURTHER RESOLVED that the Secretary of the Senate deliver a copy of this Resolution to Mrs. Mabel Amos as a token of the love and affection for her shared by the members of this body and the people of Alabama.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones, Mitchell and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. COMMENDING PATROLMAN BILLY VENABLE

WHEREAS Montgomery Patrolman Billy Venable was shot and wounded in a gun battle at St. Jude's Hospital on January 4, 1975 when he attempted to apprehend a drug addict who was holding the hospital's chief pharmacist and a female assistant as hostage at gun point; and

WHEREAS Patrolman Venable, who was the first officer on the scene when police were called by hospital personnel, exercised sound judgment and intrepid courage in maneuvers which freed the hostages from danger; and

WHEREAS the would-be assassin was subsequently captured after he opened fire on Patrolman Venable, shooting him once in the thigh and grazing him on the head in an exchange of gun fire in which Mr. Venable exhibited fearless courage; and

WHEREAS Mr. Venable, who is the son of Mr. and Mrs. C. M. Venable of Hope Hull, is a native of Montgomery County and graduated from Hayneville High School, after which he entered the service of his country, fought with distinction and honor in Vietnam where he was wounded in battle in February 1968 and for which he was awarded the Purple Heart; and

WHEREAS Mr. Venable has been with the Montgomery Police Force for approximately five years and had been married to the former Miss Terry Waldrop for only thirteen days at the time he was wounded while on duty as a patrolman; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we heartily commend Patrolman Venable for his quickness of action, his proven bravery and his dedication to duty; and we wish for him and his pretty bride all happiness and success in the future.

RESOLVED FURTHER That copies of this resolution be sent to Mr. and Mrs. Venable and to Mr. Ed Wright, Chief of the Montgomery Police Force, and to his parents, Mr. and Mrs. C. M. Venable.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House to notify the Senate that the House has perfected its organization by the election of the following officers:

Speaker: Joe C. McCorquodale, Jr.

Speaker Pro Tempore: Robert T. Crowe

And is now ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 14. BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 15, 1975, at 10:00 A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:00 A.M. January 15, 1975, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 5, 1974, as required by Section 115 of the Constitution of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 1. Relative to the Joint Rules of the two Houses for the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 4. Relative to parking spaces for members of the Legislature

Also:

S. J. R. 13. Relative to mourning death of Alfred William Steineker, Jr.

Also:

S. J. R. 18. Relative to honoring Mrs. Mabel Amos upon her retirement from public life.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McNair:

H. J. R. 12. LAMENTING TORNADO DAMAGE IN JEFFERSON, SHELBY AND ST. CLAIR COUNTIES AND COMMENDING LAW ENFORCEMENT AGENCIES, RESCUE SQUADS AND OTHERS WHO HELPED IN THE EMERGENCY

WHEREAS, on Friday, January 10, 1975 communities in Jefferson, Shelby and St. Clair Counties were severely battered by tornadoes of severe destructive force; and

WHEREAS, we wish to express our deepest sympathy to those who lost loved ones and sustained injuries to loved ones; and

WHEREAS, the Legislature knows of the terrific property damages to homes and businesses; and

WHEREAS, law enforcement agencies, rescue squads and others

acted commendably and courageously in rushing to aid those in need during a period of emergency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to pledge our support and help in any way we may be able to assist the people in their time of need.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be sent to the governing bodies of Jefferson, Shelby and St. Clair Counties and the newspapers and radio and television stations serving the three tornado-struck counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 12, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 7. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Lieutenant Governor.

And the Speaker appointed on the part of the House as a committee Messrs. Gafford and Glass.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 7, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McNair:

H. J. R. 13. COMMENDING UNITS OF THE JEFFERSON COUNTY SHERIFF'S DEPARTMENT AND AMBULANCE SQUADS

ON THEIR HANDLING OF THE EMERGENCY SITUATION CREATED BY THE EXPLOSION AT THE HERCULES POWDER COMPANY IN BESSEMER, AND EXTENDING SYMPATHY AND BEST WISHES TO THOSE INJURED.

WHEREAS an explosion occurred at the Hercules Powder Company in Bessemer, Alabama at approximately 6:30 this morning, January 14, 1975, injuring three persons and destroying two buildings; and

WHEREAS further injury to life and property was avoided by prompt and alert action by the Jefferson County Sheriff's Department and local ambulance units; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the above mentioned sheriff's department and ambulance units are deserving of and are hereby extended the thanks and the highest commendation of the Legislature and the people of Alabama.

BE IT FURTHER RESOLVED That the Legislature wishes to extend its sympathy and prayers for speedy and complete recovery to Timothy Anderson, A. W. Boswell, and William Gregg, who were injured in the explosion.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McMillan, the Rules were suspended, and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of five, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

And the Speaker appointed as a committee on the part of the House Messrs. Goodwin, Pegues and Reed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lutz:

H. J. R. 11. Be it resolved by the Alabama House of Representatives, the Senate concurring, that there be and hereby is established in Madison County, a Committee to be known as The Madison County Court Cost Study Committee, hereinafter called "the committee".

The committee shall be composed of the following persons: The Madison County Circuit Court Clerk; the Chief Clerk of the Madison County General Sessions Court; the Presiding Judge of the Circuit Court of Madison County, or another Circuit Judge designated by the Presiding Judge; the Presiding Judge of the General Sessions Court; the Madison County Judge of Probate; The Madison County Clerk-Auditor; The Director of the Madison County Legal Aid Society; The Madison County Sheriff, or a member of his staff to be designated by the Sheriff; the President of the Huntsville-Madison County Bar Association, or a member of the Association to be designated by the President; and the Madison County District Attorney or an Assistant District Attorney to be designated by the Madison County District Attorney.

The Circuit Judge of Madison County serving on the Committee shall serve as Chairman of the Committee and he shall preside over all meetings. The committee shall make its own rules for the conduct of its business. The initial meeting of the committee shall be held at the call of the Chairman. All meetings of the committee shall be conducted in the Madison County Courthouse. The Chairman of the committee shall designate an employee of the Judicial Department of Madison County to serve as recording secretary. Members of the committee shall serve without compensation but the Madison County Commission is authorized to expend funds from the County General Fund for any reasonable and necessary expenses incurred by the Committee in the conduct of its business.

Immediately upon its organization, the committee shall undertake a detailed study of the existing system of Court costs levied in the Courts of Madison County and the utilization thereof. Said committee shall also make recommendations to the Madison County Legislative Delegation for such legislation, if any, that it deems necessary to establish reasonable and equitable Court costs in the Courts of said County and to provide for the utilization of said costs. Such recommendations shall be made in writing no later than May 6, 1975, at which time the committee shall cease to exist.

It is hereby declared to be the policy of the Alabama Legislature that in Madison County Court costs should not be used as a method of financing the operation of County government but that they should bear a reasonable relationship to the actual costs of litigation to the County and the committee is charged to consider this policy in making its recommendations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Rules were suspended and the Resolution, H. J. R. 11, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. McDonald (A) offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE REGULATION OF THE DAIRY INDUSTRY AND THE CONTROL OF MILK PRICES.

WHEREAS the consuming public of Alabama is vitally concerned about the retail price of milk; and

WHEREAS there is great need for this subject to be thoroughly studied by an interim committee of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee of the Legislature to study the regulation of the dairy industry and control of milk prices by the Alabama Dairy Commission. Said committee shall be known as the Alabama Dairy Commission Study Committee, hereinafter referred to as "the committee."

The committee shall be composed of four members of the Senate appointed by the Lieutenant Governor, two of whom shall be from the Senate committee on Agriculture, and two of whom shall be from the Senate committee on State Government. There shall be five members of the House of Representatives appointed by the Speaker of the House, two of whom shall be from the House committee on Agriculture and three from the remaining committees of the House. The committee shall elect a chairman and a vice-chairman from among its members and it shall meet at the call of the chairman or at the request of a majority of all of its members. The committee shall adopt rules for the conduct of its business. In addition to a general study of the State dairy industry and control of milk prices in Alabama, it shall be the specific duty of the committee to make a thorough study of the Alabama Dairy Commission in order to insure that the Alabama Milk Control Program will provide the milk consumer with an adequate and stable supply of wholesome milk at the lowest possible cost to the consumer while maintaining a viable dairy industry in the State of Alabama. The committee is specifically charged to study the advisability of abolishing the Alabama Dairy Commission with due consideration given to the resulting effect on the dairy farmers and the dairy industry of the state.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the first legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to receive his regular

legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature on warrants drawn on the State Comptroller upon requisition signed by the committee chairman.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. DECLARING THE WEEK OF FEBRUARY 9-15, 1975, INTERNATIONAL CIRCLE K WEEK IN ALABAMA.

WHEREAS, Circle K Clubs are the college division of the Kiwanis International; and

WHEREAS, Circle K Clubs are outstanding groups of collegiates dedicated to fellowship and public service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of February 9-15, 1975 be designated as Circle K Week in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Lonnie Greene of the Circle K Club of Gadsden State Junior College, to President A. D. Naylor of Gadsden State Junior College, to the Gadsden Times, and to Radio Stations WAAX, WGAD, WJBY, and WQEN, Kiwanis Club of Gadsden, and Mrs. Callie Waldrop, Faculty Advisor.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 3:40 P.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned to meet again in Joint Session on Wednesday, January 15, 1975, at 10 o'clock A.M.

SECOND DAY

WEDNESDAY, JANUARY 15, 1975

The Senate met pursuant to adjournment in Joint Session with the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 5, 1974 as required by Section 115 of the Constitution of Alabama.

The Session was called to order by Lieutenant Governor Beasley, President and Presiding Officer of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson,

Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members of the House answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

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The President and Presiding Officer of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the Joint Session was to open the returns of, count, ascertain and proclaim the results of the elections held on the 5th day of November, 1974, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on the 5th day of November, 1974, for Executive Officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, and Commissioner of Agriculture and Industries.

(See House Journal for Tabulation of Votes)

The Speaker of the House, Honorable Joe McCorquodale, then declared that Honorable George C. Wallace, Honorable Jere Beasley, Honorable Bill Baxley, Honorable Agnes Baggett, Honorable Bettye Frink, Honorable Melba Till Allen and Honorable McMillan Lane were duly and constitutionally elected to the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer and Commissioner of Agriculture and Industries, respectively, for the term prescribed by law.

Upon completion of the opening and publishing of returns, the purpose of the Joint Session having been accomplished, the Senate returned to its Chamber at 10:35 A.M. and was called to order by Lieutenant Governor Beasley.

PRAYER

The Session was opened with prayer by Honorable L. D. Owen, 32nd Senatorial District.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

JOURNAL

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On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

APPOINTMENT OF STANDING COMMITTEES

The President and Presiding Officer of the Senate announced the following Standing Committees of the Senate for the quadrennium, 1975-1979, to-wit:

FINANCE AND TAXATION

Owen, Chairman: Torbert, Vice-Chairman: Adams, Baker, Edwards, Fine, Foshee, Flippo, Gilmore, Givhan, Jones, Littleton, Mitchell, Perloff, Shelby, Stewart, Wilson.

RULES

Foshee, Chairman: Littleton, Vice-Chairman: Fine, Flippo, Gilmore, Shelby, Weaver.

JUDICIARY

St. John, Chairman: Mitchell, Vice-Chairman: Clemon, King, Little, McDonald (A), McDonald (S), McMillan, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver.

CONSTITUTION AND ELECTIONS

King, Chairman: Ellis, Vice-Chairman: Adams, Flippo, Little, McDonald (A), McDonald (S), Noonan, Pearson, Perloff, Perry, Roberts, St. John, Vacca, Weaver.

BUSINESS AND LABOR RELATIONS

Weaver, Chairman: Waldrop, Vice-Chairman: Ellis, Givhan, Little, McDonald (A), McMillan, Noonan, Pearson, Powell, Stewart.

CONSERVATION

Pearson, Chairman: Adams, Vice-Chairman: Clemon, King, Mims, Mitchell, Roberts, Stewart, Wilson.

EDUCATION

McDonald (S), Chairman: Clemon, Vice-Chairman: Adams, Bank, Ellis, Little, McDonald (A), Mitchell, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Waldrop.

HEALTH AND WELFARE

Bank, Chairman: Noonan, Vice-Chairman: Givhan, McDonald (A), McDonald (S), McMillan, Powell, Torbert, Waldrop.

BANKING

Fine, Chairman: Vacca, Vice-Chairman: Foshee, Gilmore, Givhan, Jones, Mitchell, Powell, Stewart.

INSURANCE

Mitchell, Chairman: Weaver, Vice-Chairman: Baker, Givhan, Littleton, Mims, Powell, Shelby, Wilson.

AGRICULTURE

Mims, Chairman: McDonald (A), Vice-Chairman: Adams, Baker, Bank, Edwards, Ellis, Givhan, Little, Perry, Noonan, Vacca, Weaver.

COMMERCE, TRANSPORTATION, AND UTILITIES

Flippo, Chairman: McMillan, Vice-Chairman: Edwards, Fine, Foshee, Gilmore, Littleton, McDonald (S), Pearson.

STATE GOVERNMENT

Jones, Chairman: Gilmore, Vice-Chairman: Bank, Clemon, King, McMillan, Pearson, Perloff, Shelby, St. John, Stewart.

LOCAL GOVERNMENT

Roberts, Chairman: Perry, Vice-Chairman: Baker, Bank, Ellis, King, Little, McDonald (A), St. John, Vacca, Waldrop.

SEAPORTS AND INLAND WATERWAYS

Noonan, Chairman: Edwards, Vice-Chairman: Adams, Jones, Mims, Perloff, Roberts, Vacca, Wilson.

LOCAL LEGISLATION #1

Littleton, Chairman: Baker, Vice-Chairman: Edwards, Flippo, Jones, King, Mims, Noonan, Perloff.

LOCAL LEGISLATION #2

Gilmore, Chairman: Vacca, Vice-Chairman: Clemon, Ellis, Littleton, McMillan, Pearson, Wilson.

RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. Senate amendment to Joint Rules of the Legislature of Alabama 1975.

Amend Joint Rule 7 to read as follows:

"The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director."

On motion of Mr. Owen, the Rules were suspended and the Resolution, S. J. R. 22, was adopted by the Senate.

RECESS

At 10:45 A.M., on motion of Mr. Shelby, the Senate took a recess until 11:15 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

RECESS

At 11:16 A.M., on motion of Mr. Mitchell, the Senate continued in recess until 1:30 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 2. Commending Speaker Sage Lyons.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 11. Establishing the Madison County Court Cost Study Committee.

Also:

H. J. R. 12. LAMENTING TORNADO DAMAGE IN JEFFERSON, SHELBY AND ST. CLAIR COUNTIES AND COMMENDING LAW ENFORCEMENT AGENCIES, RESCUE SQUADS AND OTHERS WHO HELPED IN THE EMERGENCY

Also:

H. J. R. 13. Commending units of the Jefferson County Sheriff's Department and Ambulance Squads on their handling of the emergency situation created by the explosion at the Hercules Powder Company in Bessemer and extending sympathy and best wishes to those injured.

Also:

H. J. R. 14. Relative to a joint session of the two houses for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 5, 1974.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. Creating a joint committee to work with the Chief of Services in assigning parking places to members of the Legislature.

Also:

S. J. R. 13. Mourning the death of Alfred William Steineker, Jr.

Also:

S. J. R. 18. Honoring Mrs. Mabel Amos upon her retirement from public life.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the

reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 16. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, January 21, 1975, at 10:00 a.m.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 17. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Joint Session of the House and Senate be held at 11:00 a.m. on January 21, 1975, for the purpose of hearing the message of the Honorable George Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the Joint session.

And the Speaker has appointed as committee on part of the House Messrs. Jackson (F), Owens and Mitchem.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolu-

tion, H. J. R. 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. St. John and Foshee.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hill:

H. J. R. 23. CREATING AN INTERIM COMMITTEE TO STUDY THE LEGISLATIVE EXPENSE ALLOWANCE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of the members of the House Rules Committee and the members of the Senate Rules Committee to study the question of and to make recommendations to the legislature concerning the need for an increased expense allowance for members of the legislature. The committee shall file a report as to its findings and recommendations with both houses of the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Mitchem:

H. J. R. 18. RE-CREATING THE JOINT INTERIM COMMITTEE ON AGRICULTURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution and the tenth legislative day of the 1975 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the Legislature not later than the tenth legislative day of the 1975 Regular Session.

The committee shall consist of the members of the House Committee on Agriculture and the members of the Senate Committee on Agriculture. The chairman of the House Committee on Agriculture shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall be co-chairman of the interim committee. The chairman of the committee, with the approval of the co-chairman, shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed five thousand dollars, inclusive of per diem legislative pay and travel expenses. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

Any and all prior interim committees on agriculture are hereby abolished.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mims, the Rules were suspended and the Resolution, H. J. R. 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 8. Creating a Select Joint Interim Committee to Study the Regulation of Public Utilities in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 8, the title of which is set out in the foregoing Message from the House, to-wit:

Amendment to S. J. R. 8. This joint resolution shall include investigation and study of the Public Service Commission.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 9. Creating an interim study committee on improving the criminal justice system of this state.

Also:

S. J. R. 15. To create a joint interim economic stability study committee.

Also:

S. J. R. 5. To create an interim fiscal advisory committee to the Governor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 22. Senate amendment to Joint Rules of the Legislature of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. To create an Interim Committee on Finance and Taxation.

Also:

S. J. R. 6. To create a Joint Interim Fiscal Study Committee.

Also:

S. J. R. 14. Congratulating Alabama Technical College on its Fiftieth Anniversary.

Also:

S. J. R. 16. Naming the dual bridges located in Huntsville on U. S. Highway 431, Memorial Parkway the "Veterans of Foreign Wars Bridges."

Also:

S. J. R. 17. Mourning the death of Manford Enoch Furr.

Also:

S. J. R. 19. Commending Patrolman Billy Venable.

Also:

S. J. R. 21. Declaring the week of February 9-15, 1975, International Circle K Week in Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Morris, Baker, Smith (M) and McNair:

H. J. R. 22. CREATING A COMMITTEE FOR STUDYING A UNIFORM SYSTEM FOR REPORTING AND INVESTIGATING DEATHS.

WHEREAS in the State of Alabama, an annual average of 5,500 persons die without the attendance of a physician and whose deaths are certified without proper investigation; and

WHEREAS a great need exists for a new and adequate system for reporting and investigating such deaths uniformly throughout the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to be composed of five members of the House, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the President of the Senate, to study a uniform system for reporting and investigating deaths.

As soon as practicable after their appointment, members of the committee shall meet and appoint a chairman and vice chairman from among their number. Thereafter the committee shall meet upon the call of its chairman or upon the call of a majority of its members at such time and place as may be designated in the call.

It shall be the duty of the committee to study the method of investigation and manner of certification of deaths within the State of Alabama which study shall include but not be limited to deaths without a doctor's attendance, accidental death, homicide, suicide and natural causes for which there are no adequate facilities or means for determination presently provided.

Members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are actually engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature as soon as practicable, but not later than the tenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 22, set out in the foregoing Message from the House was concurred in and adopted by the Senate.

Yeas 26; Nays 6.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Vacca, Waldrop.

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Nays:

Messrs. Baker, McDonald (S), Noonan, St. John, Stewart, Torbert.

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Whatley, White, Williams, and Wyatt:

H. J. R. 21. Commending the First Lady of Alabama and others for their example in encouraging family vegetable gardening and authorizing and encouraging the State of Alabama, its departments, agencies, and political subdivisions, to make land available for family vegetable gardening.

Whereas the United States and the international community are suffering from the twin ravages of inflation and recession;

The President of the United States has asked us to Whip Inflation Now;

One of the tools which every family can use in the battle against inflation and recession is a family vegetable garden;

The Superintendent of Education and Alabama schools have pioneered in the use of demonstration gardens in schools to teach family vegetable gardening.

The First Lady of Alabama has set a fine example by planting a demonstration garden at the Governor's Mansion to encourage Alabamians to garden;

The Alabama Educational Television Network carried the story of the First Lady's garden to the school children of Alabama;

The Legislature of Alabama has in the sessions of 1967 and subsequent years encouraged Alabamians to plant family vegetable gardens to fight inflation;

The Extension Service in Alabama has rendered expert aid to families asking for help in family vegetable gardening;

The Congress of the United States has set national policy by urging citizens to plant family vegetable gardens to fight inflation, promote nutrition, gain exercise, and enjoy togetherness;

The State of Alabama and its agencies and political subdivisions have available land which can be utilized by families with a need for land for family vegetable gardening;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, THAT

The First Lady of Alabama is commended for setting an example by planting a family vegetable garden;

The Superintendent of Education and schools of Alabama, the Alabama Educational Television Commission, the Extension Service and State Vocational Department are commended for encouraging and teaching family vegetable gardening;

The departments, agencies, and political subdivisions of the State of Alabama are authorized and urged to make suitable land of theirs available for family gardening and to encourage citizens of Alabama to engage in family vegetable gardening on available land;

The Secretary of State is requested to send copies of this Resolution to each newspaper, magazine, radio station, and television station in Alabama;

The Secretary of State is requested to send copies of this Resolution to each department and agency of the State, and to each county and city governing body, with the request that it be further distributed to agencies of the counties and cities.

The Secretary of State is requested to send copies of this Resolution to the First Lady of Alabama, to the Superintendent of Education, to the Alabama Educational Television Commission, the Extension Service and the State Vocational Department.

JOHM W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Rules were suspended and the Resolution, H. J. R. 21, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Callahan:

H. J. R. 24. Expressing appreciation to the Mobile Student Symphony for 1974 Christmas program.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Roberts, the Rules were suspended and the Resolution, H. J. R. 24, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mrs. Quarles:

H. J. R. 20. RECOGNIZING CERTAIN COUNTIES AS DISASTER AREAS AS A RESULT OF RECENT TORNADOES

WHEREAS tornadoes struck Jefferson, Shelby, St. Clair, Cleburne, Macon, Lee, Bullock, Choctaw, Washington, and Baldwin Counties last week causing death, injury and widespread destruction throughout these areas; and

WHEREAS the Legislature wishes to encourage President Gerald Ford to declare these areas disaster areas in order that they might be eligible for federal aid; and

WHEREAS the Legislature wishes to express its concern to the people of these areas for their deprivation and suffering; and

WHEREAS the Legislature wishes to commend the Red Cross, Salvation Army, rescue squads and many other agencies that assisted the survivors in these disaster areas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do request President Gerald Ford to declare the counties of Jefferson, Shelby, St. Clair, Cleburne, Macon, Lee, Bullock, Choctaw, Washington, and Baldwin disaster areas as the result of tornadoes and high winds that occurred last week and make them eligible for appropriate federal aid and disaster relief monies.

BE IT FURTHER RESOLVED That we do express our concern to the people of these areas over the loss of loved ones and wish those who were injured a speedy recovery.

BE IT FURTHER RESOLVED That the Legislature does express its thanks to the Red Cross, the Salvation Army, the many rescue squads, police units and fire departments in these areas who so nobly and ably assisted the victims of these disasters.

The Clerk of the House is directed to send a copy of this resolution to the President of the United States and to the daily and weekly news-

papers, radio stations and television stations located in the above-named counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolution, H. J. R. 20, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. COMMENDING THE GADSDEN STATE JUNIOR COLLEGE CIRCLE K CLUB FOR WINNING FIRST PLACE AS THE BEST CLUB IN CIRCLE K INTERNATIONAL AND THE AWARD FOR THE BEST SINGLE SERVICE PROJECT OF A CIRCLE K INTERNATIONAL CLUB.

WHEREAS, the Gadsden State Junior College Circle K Club has been awarded first place in competition to determine the best Circle K Club; and

WHEREAS, the Gadsden State Junior College Circle K Club was also recognized as performing the best single service project for work with cerebral palsy by Circle K International; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gadsden State Junior College Circle K Club be commended for its outstanding public service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to past president Linton Newlin of the Gadsden State Junior College Circle K Club, to President A. D. Naylor of Gadsden State Junior College, to the Gadsden Times, and to Radio Stations WAAX, WGAD, WJBY, and WQEN, Gadsden Kiwanis Club, and Mrs. Callie Waldrop, Faculty Advisor.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. AMENDING JOINT RULE NO. 12 WHICH REQUIRES UNDERSCORING AND STRIKING THROUGH SO AS TO EXEMPT LOCAL BILLS AND POPULATION BASED BILLS.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Joint Rule No. 12 of the two houses of the Legislature of Alabama, adopted by S. J. R. 1 of the 1975 Organizational Session, be amended by the addition of a subsection (d) to read as follows:

“(d) The provisions of joint rule 12(a) and 12(b) shall not apply to local bills or general bills of local application on a population basis.”

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 2:10 P.M., on motion of Mr. Shelby, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 21, 1975, at 10 o'clock A.M.

EIGHTH DAY

TUESDAY, JANUARY 21, 1975

(The Senate was not in session on the Third through the Seventh Day.)

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Robert O. Miller, Minister, Church of the Holy Comforter, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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JOURNAL

On motion of Mr. Torbert, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. Creating an Interim Committee on Finance and Taxation.

Also:

S. J. R. 5. Creating an Interim Fiscal Advisory Committee to the Governor.

Also:

S. J. R. 6. Creating a Joint Interim Fiscal Study Committee.

Also:

S. J. R. 8. Creating a Select Joint Interim Committee to study the regulation of public utilities.

Also:

S. J. R. 9. Creating an Interim Study Committee on improving the criminal justice system.

Also:

S. J. R. 14. Congratulating Alabama Technical College.

Also:

S. J. R. 15. Creating a Joint Interim Economic Stability Study Committee.

Also:

S. J. R. 16. Naming the Dual Bridges located in Huntsville on U.S. Highway 431, Memorial Parkway the "Veterans of Foreign Wars Bridges."

Also:

S. J. R. 17. Mourning the death of Manford Enoch Furr.

Also:

S. J. R. 19. Commending Patrolman Billy Venable.

Also:

S. J. R. 21. Declaring the week of February 9-15, 1975, International Circle K Week.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS

The Senate proceeded to the election of Senate members to fill two vacancies on the Legislative Committee on Examiners of Public Accounts, to serve until the election in May as required by law.

Mr. Vacca placed in nomination the names of Messrs. Flippo and Jones.

Those who voted for Mr. Flippo are:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee,

Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Those who voted for Mr. Jones are:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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And the President and Presiding Officer of the Senate announced that Messrs. Flippo and Jones were duly elected as members of the Legislative Committee on Examiners of Public Accounts.

RESOLUTIONS

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special session in 1975.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine then offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, January 21, 1975, they adjourn sine die.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Bank, Shelby and Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. Whereas, the physician shortage in rural areas of this state has been the cause of outspoken public concern, and,

Whereas, the need for physicians in rural areas has manifested itself in causing delayed treatment, sometimes critical, for a large segment of our population, and,

Whereas, despite the vast amounts of taxpayer's money spent on the education of physicians, the difficulty of recruiting physicians for areas of need persists

Now, Therefore, Be It Resolved By The Legislature of Alabama, Both Houses thereof concurring, That a Commission on Physician Education and Distribution for the State of Alabama be created, and

Be It Further Resolved, That this commission make a full study of

education and distribution of physicians in the State of Alabama and make a report available to the legislature and the State Board of Health, and,

Be It Further Resolved, That the aforesaid commission be composed of four members from the State Committee of Public Health, each of whom shall be the designated representative of the district wherein a medical school is located; three practicing physicians, one of whom shall be the President of the Alabama Academy of Family Physicians, one of whom shall be the chairman of the Interspecialty Council, and the third shall be appointed by the State Board of Health; and the Presidents of each of the following universities or his designate: University of Alabama in Birmingham, University of Alabama in Huntsville, University of Alabama in Tuscaloosa and the University of South Alabama.

On motion of Mr. Bank, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Mitchell, Gilmore, Littleton, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. MOURNING THE DEATH OF E. A. "BUD" GROUBY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Judge E. A. "Bud" Grouby; and

WHEREAS Judge Grouby was a devoted community builder who served his people with great ability as a city official of Prattville for thirteen years, a member of the House of Representatives from Autauga County for sixteen years, Autauga County Probate Judge for eight years; and

WHEREAS Judge Grouby was a prominent and influential leader in the civic, social, and religious life of his city, giving untiringly of his time and energy as a deacon in the Baptist Church, a Master Mason, past president of the Lions Club, member of the Woodmen of the World, Farm Bureau, Peace Officers, Cattlemen's Association, Prattville Downtown Unlimited, and the League of Aging Citizens; and

WHEREAS we shall miss this great leader whom we have long admired and respected and have been proud to call our friend throughout many years of close association; and

WHEREAS this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Judge E. A. "Bud" Grouby and express our deep and sincere sympathy to his widow, Mrs. Rose Grouby, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. MOURNING THE DEATH OF TIMOTHY COX CARLTON

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Timothy Cox Carlton of Montgomery, Alabama; and

WHEREAS, Timothy C. Carlton was a devoted community builder who served as principal of Robert E. Lee High School with great love and dedication; and

WHEREAS, Mr. Carlton was a faithful member of the First Baptist Church of Montgomery, Alabama; and

WHEREAS, Mr. Carlton was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS, the Legislature wishes to honor the memory of such an outstanding citizen of this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sincere regret of this body and our deep sympathy be extended to the members of the family of Mr. Carlton, and further that a copy of this resolution be sent to the members of the family of Mr. Carlton.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. AMENDING JOINT RULE NO. 12 WHICH REQUIRES UNDERSCORING AND STRIKING THROUGH SO AS TO EXEMPT LOCAL BILLS AND POPULATION BASED BILLS.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Joint Rule No. 12 of the two houses of the Legislature of Alabama, adopted by S. J. R. 1 of the 1975 Organizational Session, be amended by the addition of a subsection (d) to read as follows:

“(d) The provisions of this rule shall not apply to local bills or general bills of local application on a population basis.”

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 10:30 A.M., on motion of Mr. Fine, the Senate took a recess until completion of the Joint Session to hear the message of His Excellency, Governor George C. Wallace.

JOINT SESSION

At 11 o'clock A.M., in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, George C. Wallace.

The Session was called to order by Lieutenant Governor Jere Beasley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable George C. Wallace, Governor of Alabama, was escorted to the chair and delivered his address to the Legislature of Alabama

(See House Journal for Governor's Message.)

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 17. Relative to a joint session to be held for the purpose of hearing the message of the Honorable George Wallace, Governor of Alabama.

Also:

H. J. R. 18. Re-creating the Joint Interim Committee on Agriculture.

Also:

H. J. R. 20. RECOGNIZING CERTAIN COUNTIES AS DISASTER AREAS AS A RESULT OF RECENT TORNADOES.

Also:

H. J. R. 21. COMMENDING THE FIRST LADY OF ALABAMA AND OTHERS FOR THEIR EXAMPLE IN ENCOURAGING FAMILY VEGETABLE GARDENING AND AUTHORIZING AND ENCOURAGING THE STATE OF ALABAMA, ITS DEPARTMENTS, AGENCIES, AND POLITICAL SUBDIVISIONS, TO MAKE LAND AVAILABLE FOR FAMILY VEGETABLE GARDENING.

Also:

H. J. R. 22. CREATING A COMMITTEE FOR STUDYING A UNIFORM SYSTEM FOR REPORTING AND INVESTIGATING DEATHS.

Also:

H. J. R. 23. Creating an interim committee to study the legislative expense allowance.

Also:

H. J. R. 24. Expressing appreciation to the Mobile Student Symphony for 1974 Christmas Program.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 23. Relative to commending the Gadsden State Junior College Circle K Club for winning first place as the best club in Circle K International and the award for the best single service project of a Circle K International Club.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 27. AMENDING JOINT RULE NO. 12 WHICH REQUIRES UNDERSCORING AND STRIKING THROUGH SO AS TO EXEMPT LOCAL BILLS AND POPULATION BASED BILLS.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Joint Rule No. 12 of the two houses of the Legislature of Alabama, adopted by S. J. R. 1 of the 1975 Organizational Session, be amended by the addition of a subsection (d) to read as follows:

“(d) The provisions of this rule shall not apply to local bills or general bills of local application on a population basis.”

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Torbert, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Greer, Coburn and Hill:

H. J. R. 25. Relative to commending the Lauderdale County High School Football Team for its outstanding season.

Also:

By Messrs. Turnham, Carothers, Smith (C), Whatley, Higginbotham and Smith (M):

H. J. R. 28. Relative to commending the Auburn University Football Team and Coach Ralph (Shug) Jordan.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Flippo, the Rules were suspended and the Resolution, H. J. R. 25, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Messrs. Little and Ellis, the Rules were suspended and the Resolution, H. J. R. 28, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. White, Sasser, Biddle, Johnson, Moore (O), Gafford and Carothers:

H. J. R. 26. Whereas, the physician shortage in rural areas of this state has been the cause of outspoken public concern, and,

Whereas, the need for physicians in rural areas has manifested itself in causing delayed treatment, sometimes critical, for a large segment of our population, and,

Whereas, despite the vast amounts of taxpayer's money spent on the education of physicians, the difficulty of recruiting physicians for areas of need persists

Now, Therefore, Be It Resolved By The Legislature of Alabama, Both

Houses thereof concurring, That a Commission on Physician Education and Distribution for the State of Alabama be created, and

Be It Further Resolved, That this commission make a full study of education and distribution of physicians in the State of Alabama and make a report available to the legislature and the State Board of Health, and,

Be It Further Resolved, That the aforesaid commission be composed of four members from the State Committee of Public Health, each of whom shall be the designated representative of the district wherein a medical school is located; three practicing physicians, one of whom shall be the President of the Alabama Academy of Family Physicians, one of whom shall be the chairman of the Interspecialty Council, and the third shall be appointed by the State Board of Health; and the Presidents of each of the following universities or his designate: University of Alabama in Birmingham, University of Alabama in Huntsville, University of Alabama in Tuscaloosa and the University of South Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 26, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Messrs. St. John, Foshee, Torbert, Weaver, Jones, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. WHEREAS, the Federal Highway Act as enacted by the Congress of the United States now provides for allocation of Federal Aid for Highway purposes to the several states on a fund-matching basis; and

WHEREAS, the Highway Trust Fund is a recipient of Federal Gasoline taxes which provide Federal Aid to highways on the aforesaid fund matching basis; and

WHEREAS, the present Federal Administration is contemplating a Federal Gasoline Tax increase to combat inflation and conserve energy; and

WHEREAS, due to present economic pressures and further due to Federal Tax structures and fund matching requirements can place the State of Alabama and the other several states in a position of not being able to match Federal Funds under their present tax structures and financial situations; and

WHEREAS, the Legislature of the State of Alabama cannot without extreme difficulty provide additional revenues to the Alabama State Highway Department in amounts sufficient to meet the requirements for matching funds available from the Highway Trust Fund.

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Legislature of the State of Alabama calls upon the Alabama Congressional delegation to originate and enact legislation, and to amend any and all laws necessary to provide Federal Aid to Highway funds to the State of Alabama and to the several states on a non-matching basis.

AND BE IT FURTHER RESOLVED That the Legislature of the State of Alabama calls upon the Alabama Congressional delegation and the President of the United States to originate and enact legislation and to amend any and all laws necessary to provide that any additional revenues which may in the future arise out of a Federal Gasoline Tax increase be returned to the states for highway construction on a non-matching basis.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Foshee offered the following Senate Resolution, to-wit:

S. R. 32. BE IT RESOLVED BY THE SENATE that the Senate shall strictly adhere to the provisions of Senate Rule 2 during all sessions of this quadrennium.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL REBEL MARCHING BAND OF GADSDEN, ALABAMA ON ITS FORTHCOMING PARTICIPATION IN THE 48th ANNUAL SHENANDOAH APPLE BLOSSOM FESTIVAL, AND APPOINTING THE BAND THE OFFICIAL REPRESENTATIVE OF THE STATE OF ALABAMA AT SAID FESTIVAL.

WHEREAS, The Emma Sansom High School Rebel Marching Band has proven itself numerous times as one of the finest bands in the south by winning three Veterans of Foreign Wars National band championships, many state and regional honors, and placing first an unprecedented five times in the "Greatest Bands in Dixie" contest; and

WHEREAS, The Rebel Band has been invited to participate in the 48th Annual Shenandoah Apple Blossom Festival on May 2nd and 3rd of this year, competing with over one hundred bands from throughout the nation; and

WHEREAS, The Rebel Band is the only Alabama band in memory to be invited to participate in this prestigious festival; and

WHEREAS, This invitation is the result of pride, dedication and many long hours of work on the part of the band members, sponsors, and supporters, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Emma Sansom High School Rebel Marching Band be commended for the level of excellence they have attained which has earned them the distinctive honor of being invited to participate in this festival.

BE IT FURTHER RESOLVED, That the Emma Sansom High

School Rebel Marching Band is hereby appointed the official representative of the State of Alabama at the 48th Annual Shenandoah Apple Blossom Festival, taking with this office the best wishes and highest regards of the people of Alabama.

RESOLVED FURTHER, That copies of this resolution be sent to the Emma Sansom High School Rebel Marching Band; Pat Marrow, the most capable director of said band; each member of the band; Max Newman, Principal of Emma Sansom High School; Emma Sansom High School Band Booster's Club; Mayor Steve Means of the city of Gadsden; Dr. Mort Glosser, Superintendent of Gadsden City Schools; Harry Sizemore, Chairman of the Etowah County Commission; and Bob "Strike up the Band" Hope, Grand Marshal of the 48th Annual Shenandoah Apple Blossom Festival Parade.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. J. R. 3, the President and Presiding Officer of the Senate announced the appointment of Messrs. Vacca, Waldrop, McDonald (S) and Bank as Senate members of the Interim Committee on Finance and Taxation.

Under the provisions of S. J. R. 6, the President and Presiding Officer of the Senate announced the appointment of Messrs. Foshee, Flippo, Torbert and Gilmore as Senate members of the Joint Interim Fiscal Study Committee.

Under the provisions of S. J. R. 8, the President and Presiding Officer of the Senate announced the appointment of Messrs. Gilmore, Foshee, Perry and Jones as Senate members of the Joint Interim Public Utilities Study Committee.

Under the provisions of S. J. R. 15, the President and Presiding Officer of the Senate announced the appointment of Messrs. Mitchell (Chairman), Givhan, Powell and Stewart as Senate members of the Joint Interim Economic Stability Study Committee.

Under the provisions of S. J. R. 9, the President and Presiding Officer of the Senate announced the appointment of Messrs. McMillan (Chairman), Little, Mims, Clemon and Pearson as Senate members of the Interim Criminal Justice Study Committee.

Under the provisions of S. J. R. 4, the President and Presiding Officer of the Senate announced the appointment of Messrs. Littleton and Gilmore as Senate members of the Joint Legislative Parking Committee.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Owens and Jackson (F):

H. J. R. 29. WHEREAS, the Federal Highway Act as enacted by the Congress of the United States now provides for allocation of Federal

Aid for Highway purposes to the several states on a fund-matching basis; and

WHEREAS, the Highway Trust Fund is a recipient of Federal Gasoline taxes which provide Federal Aid to highways on the aforesaid fund matching basis; and

WHEREAS, the present Federal Administration is contemplating a Federal Gasoline Tax increase to combat inflation and conserve energy; and

WHEREAS, due to present economic pressures and further due to Federal Tax structures and fund matching requirements can place the State of Alabama and the other several states in a position of not being able to match Federal Funds under their present tax structures and financial situations; and

WHEREAS, the Legislature of the State of Alabama cannot without extreme difficulty provide additional revenues to the Alabama State Highway Department in amounts sufficient to meet the requirements for matching funds available from the Highway Trust Fund.

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Legislature of the State of Alabama calls upon the Alabama Congressional delegation to originate and enact legislation, and to amend any and all laws necessary to provide Federal Aid to Highway funds to the State of Alabama and to the several states on a non-matching basis.

AND BE IT FURTHER RESOLVED That the Legislature of the State of Alabama calls upon the Alabama Congressional delegation and the President of the United States to originate and enact legislation and to amend any and all laws necessary to provide that any additional revenues which may in the future arise out of a Federal Gasoline Tax increase be returned to the states for highway construction on a non-matching basis.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 29, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Holmes, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan,

McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 30. Commending Hank Aaron for setting a new lifetime home run record.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Jones, the Rules were suspended and the Resolution, H. J. R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Wyatt, Barron, Harris and Plaster:

H. J. R. 32. WISHING CAPITOL GUARD JOHN SCOTT A SPEEDY RECOVERY.

WHEREAS Capitol Guard John Scott has long been known to members of the Alabama Legislature as the guard in charge of the large parking lot directly in the rear of the Capitol; and

WHEREAS officer John Scott has always been known to us as "the happy warrior" because of his smiling countenance and his happy greetings and words of cheer to all members of the Legislature and to his fellow state employees; and

WHEREAS officer Scott recently underwent an operation for surgery on one of his lungs; and

WHEREAS officer Scott is now recovering in Jackson Hospital; and

WHEREAS this resolution is but a small token we wish to send to officer Scott for the love and sympathy expressed on his behalf by the Legislature and his state co-workers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do honor Capitol Guard John Scott for his long and faithful service, his smiling countenance and many acts of kindness to his fellowman and we do wish him a swift and speedy recovery.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Jones, the Rules were suspended and the Resolution, H. J. R. 32, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING THE GLENCOE HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1973 STATE 2A CHAMPIONSHIP.

WHEREAS, the Glencoe Football team worked diligently, long and hard to achieve the following outstanding record in its winning of the 1973 2A Football State Championship:

Regular Season,	Glencoe	27	Blountsville	0
	Glencoe	64	Roanoke	23
	Glencoe	14	Hoak Bluff	0
	Glencoe	42	West Morgan	22
	Glencoe	27	Weaver	14
	Glencoe	42	Piedmont	7
	Glencoe	42	Sardis	0
	Glencoe	46	West End	6
	Glencoe	21	Southside	20
	Glencoe	28	Odenville	6
Playoffs,	Glencoe	25	Lauderdale Co.	22
	Glencoe	29	Holtville	21
	Glencoe	24	Floral	14 and

WHEREAS, Coaches Lyle Darnell, Jimmy Champion, Charles Tucker and Principal Harold Gautney are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and winning attitude displayed by the team members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Glencoe football team for its outstanding achievements.

BE IT FURTHER RESOLVED, That copies be sent to Principal Harold Gautney and to coaches Darnell, Champion, and Tucker, as well as to each team member.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson, Ellis, McMillan, Gilmore, Wilson, Clemon, Littleton and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. COMMENDING THE HOMEWOOD HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON

WHEREAS The Homewood High School won the state 4-A football championship for the past year with an outstanding 13 win and 1 loss record; and

WHEREAS the Homewood High Patriots worked diligently, long and

hard to achieve this outstanding record. The team ran, blocked, passed, and tackled with spectacular ability; and

WHEREAS Coach Alvin Bressler and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Homewood High School football team for its outstanding record.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Principal of Homewood High School; Coach Bressler; his assistant coaches Dave Beason, Wayne Sheets, Jackie Clayton, David Jones, and Mike Miller; and to each team member.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. King offered the following Senate Resolution, to-wit:

S. R. 36. WHEREAS, the holy institution of matrimony is the cornerstone of our civilization, without which the very roots of our way of life would crumble; and

WHEREAS, the legal union of man and woman has been recognized since the time of Adam and Eve as the source of all love and joy; and

WHEREAS, thirty-four members of this body enjoy to the fullest this sacred institution, with its attendant blessings and responsibilities; and

WHEREAS, the lone lost sheep of this flock, Senator Bill Roberts, is greatly to be pitied, in that he does not bask in the bliss of married life; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That it is the hope of 34/35 of this body that Senator Roberts will, during this historic four-year term, join the ranks of the ball-and-chain set, with our blessings.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Roberts.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Weeks:

H. J. R. 15. TO PROVIDE ADDITIONAL EXPENSE ALLOWANCE FOR MEMBERS OF THE LEGISLATURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid an additional ten dollars

per diem for expenses other than actual expense of traveling incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That each member of the legislature shall be entitled to and shall be paid an additional two hundred dollars per month for expenses other than actual expenses of traveling incurred in the performance of his duties as a member of the legislature. Such expense allowance shall be paid at the end of each month during his term of office and shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That each member of the legislature shall be paid a total of twelve cents per each mile from his residence in the district he represents to the seat of government, and to his residence in the district he represents from the seat of government, for the purpose of helping to defray the cost of lodging, sustenance and consulting with his constituents in aid of his legislative duties, all such expense being other than actual expenses of traveling. Such expense shall be computed by the nearest usual route between his residence in the district he represents and the seat of government; and one such expense allowance shall be paid to each member during any week in which the legislature is in regular or special session.

The provisions of this Resolution are severable. If any part of the Resolution is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution of 1901.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Baker offered the following substitute for the Resolution, H. J. R. 15, set out in the foregoing Message from the House, to-wit:

Substitute for H. J. R. 15. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES FOR MEMBERS OF THE LEGISLATURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid an additional twenty dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution of Alabama of 1901.

Which was adopted.

And said Resolution, H. J. R. 15, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Yeas 18; Nays 17.

Yeas:

Messrs. Adams, Baker, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, Owen, Pearson, Perloff, Roberts, St. John, Vacca, Waldrop, Wilson.

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Nays:

Messrs. Bank, Edwards, Ellis, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Shelby, Stewart, Torbert, Weaver.

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RECESS

At 1:10 P.M., on motion of Mr. Baker, the Senate took a recess until 2:30 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

RESOLUTION

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 37. TO AMEND SENATE RULE 24 TO EXEMPT LOCAL BILLS AND POPULATION BASED BILLS FROM THE UNDERLINING AND STRIKING OUT RULE.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That Senate Rule 24 be amended by adding a subsection (d) as follows:

“(d) Provided, however, that the provisions of this rule shall not apply to Local Bills or General Bills of Local Application on a Population Basis.”

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 25. COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 27. Amending Joint Rule No. 12 which requires underscoring and striking through so as to exempt local bills and population based bills.

Also:

H. J. R. 28. Commending the Auburn University Football Team and Coach Ralph (Shug) Jordan.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 30. Commending Hank Aaron for setting a new lifetime home run record.

Also:

H. J. R. 32. Wishing Capitol Guard John Scott a speedy recovery.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution.

H. J. R. 15. Relative to expense allowances for members of the legislature.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. CREATING AN INTERIM STUDY COMMITTEE

ON THE PAY SCALE AND SALARY STRUCTURE OF STATE OFFICIALS, EMPLOYEES, CABINET MEMBERS AND LEGISLATORS.

WHEREAS there is a great and pressing need for a comprehensive study on the pay scale and salary structure of state officials, employees, cabinet members and legislators in the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the pay scale and salary structures of state officials, employees, cabinet members and legislators in this state. Such committee shall be composed of three members of the Senate and three members of the House of Representatives to be appointed by the presiding officer of each house. The committee shall select its own chairman and vice-chairman from among its membership and establish rules for the conduct of its business.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 23. COMMENDING THE GADSDEN STATE JUNIOR COLLEGE CIRCLE K CLUB FOR WINNING FIRST PLACE AS THE BEST CLUB IN CIRCLE K INTERNATIONAL.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 26. Relative to sine die adjournment.

Also:

S. J. R. 28. Relative to mourning the death of E. A. "Bud" Grouby.

Also:

S. J. R. 29. Relative to mourning the death of Timothy Cox Carlton.

Also:

S. J. R. 30. Relative to amending joint rule no. 12 which requires underscoring and striking through so as to exempt local bills and population based bills.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 7. Relative to creating a State Auditing Committee.

Also:

S. J. R. 33. Relative to Congratulating the Emma Sansom High School Rebel marching band of Gadsden, Alabama on its forthcoming participation in the 48th Annual Shenandoah Apple Blossom Festival, and appointing the band the official representative of the State of Alabama at said festival.

Also:

S. J. R. 34. Relative to commending the Glencoe High School Football Team for winning the 1973 state 2A Championship.

Also:

S. J. R. 35. Relative to commending the Homewood High School Football Team for its outstanding season.

Also:

S. J. R. 25. Relative to printing the acts and journals of the organizational session.

Also:

S. J. R. 31. Relative to federal gasoline tax.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 11. Relative to establishing a joint select committee on state capitol building office space.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 15. TO PROVIDE ADDITIONAL EXPENSE ALLOWANCE FOR MEMBERS OF THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Baker, Turnham, Smith (M), Whatley and Higginbotham:

H. J. R. 35. Relative to commending Chattahoochee Valley State Community College and staff for the rapid growth and accomplishments during the past year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Torbert, the Rules were suspended and the Resolution, H. J. R. 35, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Falkenburg, Waggoner, Biddle, Armstrong, Jolly, Hilliard, Leonard, Andrews, Trammell, Moore (O), White, Gafford, Howard, Hopping, Porter, Hall, Tucker, Boles, McNair, Harrison and Jackson (R):

H. J. R. 33. Relative to paying tribute to Honorable W. Cooper Green for his many years of distinguished service to the state of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gilmore, the Rules were suspended and the Resolution, H. J. R. 33, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Carothers:

H. J. R. 36. Commending the Dothan High School Football Team on their outstanding season.

Also:

By Mr. Carothers:

H. J. R. 37. Commending the Ashford High School Football Team on their outstanding season.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Adams, the Rules were suspended and the Resolutions, H. J. R.'s 36 and 37, the titles of which are set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 38. Relative to creating an interim study committee on the pay scale and salary structure of state officials, employees, cabinet members and legislators.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 7. Creating and establishing a study committee to be known as State Auditing Committee.

Also:

S. J. R. 11. Establishing a Joint Select Committee on State Capitol building office space.

Also:

S. J. R. 25. Authorizing the acts and journals of this organizational session be bound with the regular session.

Also:

S. J. R. 28. Mourning the death of E. A. "Bud" Grouby.

Also:

S. J. R. 29. Mourning the death of Timothy Cox Carlton.

Also:

S. J. R. 31. Calling upon the Alabama Congressional delegation to originate and enact legislation to provide Federal Aid to Highway funds to the State.

Also:

S. J. R. 33. Congratulating the Emma Sansom High School Rebel Marching Band of Gadsden.

Also:

S. J. R. 34. Commending the Glencoe High School Football Team.

Also:

S. J. R. 35. Commending the Homewood High School Football Team.

Also:

S. J. R. 38. Creating an interim study committee on the pay scale and salary structure of state officials, employees, cabinet members and legislators.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 33. Paying tribute to Honorable W. Cooper Green for his many years of distinguished service to the State of Alabama.

Also:

H. J. R. 35. Commending Chattahoochee Valley State Community College and Staff for the rapid growth and accomplishments during the past year.

Also:

H. J. R. 36. Commending the Dothan High School Football Team on their outstanding season.

Also:

H. J. R. 37. COMMENDING THE ASHFORD HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. J. R. 7, the President and Presiding Officer of the Senate announced the appointment of Messrs. Flipppo, Noonan, Littleton and Mitchell as Senate members of the State Auditing Committee.

Under the provisions of S. J. R. 38, the President and Presiding Officer of the Senate announced the appointment of Messrs. Fine, Flipppo and Baker as Senate members of the Joint Interim Committee to Study State Salary Structures.

Under the provisions of H. J. R. 22, the President and Presiding Officer of the Senate announced the appointment of Messrs. Adams, Roberts, Vacca and Little as Senate members of the Joint Interim Committee to Study a Uniform System for Reporting and Investigating Deaths.

Under the provisions of S. J. R. 11, the President and Presiding Officer of the Senate announced the appointment of Messrs. King, Fine and Owen as Senate members of the Joint Select Committee on State Capitol Building Office Space.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of S. J. R. 6, the Speaker of the House announced the appointment of Messrs. Owens, Folmar, McCluskey and Biddle as House members of the Joint Interim Fiscal Study Committee.

Under the provisions of S. J. R. 4, the Speaker of the House announced the appointment of Messrs. Gafford and Glass as House members of the Joint Legislative Parking Committee.

Under the provisions of S. J. R. 3, the Speaker of the House announced the appointment of Messrs. Carter, Warren, Burgess and Manley as House members of the Interim Committee on Finance and Taxation.

Under the provisions of S. J. R. 9, the Speaker of the House announced the appointment of Messrs. Hines, Merrill, Cooper, Leonard, Lee and Taylor as House members of the Interim Criminal Justice Study Committee.

Under the provisions of S. J. R. 7, the Speaker of the House announced the appointment of Messrs. Barron, Jackson (R), Campbell, Quarles and Sasser as House members of the State Auditing Committee.

Under the provisions of S. J. R. 8, the Speaker of the House announced the appointment of Messrs. Jackson (F), Pegues, Johnstone and Higginbotham as House members of the Joint Interim Public Utilities Study Committee.

Under the provisions of S. J. R. 38, the Speaker of the House announced the appointment of Messrs. Sonnier, Harrison and Hill as House members of the Joint Interim Committee to Study State Salary Structures.

Under the provisions of S. J. R. 15, the Speaker of the House announced the appointment of Messrs. Gafford, Jolly, Cates, Lutz and Lewis as House members of the Joint Interim Economic Stability Study Committee.

Under the provisions of H. J. R. 22, the Speaker of the House announced the appointment of Messrs. Turnham, Baker, McNair, LeFlore and Carothers as House members of the Joint Legislative Committee to Study a Uniform System for Reporting and Investigating Deaths.

Under the provisions of S. J. R. 11, the Speaker of the House announced the appointment of Messrs. Ford, Harris, and Callahan as House members of the Joint Select Committee on State Capitol Building Office Space.

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 4

S. J. R. 13

S. J. R. 18

S. J. R. 3

S. J. R. 5

S. J. R. 6

S. J. R. 8

S. J. R. 9

S. J. R. 14

S. J. R. 15

S. J. R. 16

S. J. R. 17

S. J. R. 19

S. J. R. 21

Delivered to the Governor January 21, 1975, at 10:40 A.M.

S. J. R. 23

S. J. R. 7

S. J. R. 11

S. J. R. 25

S. J. R. 28

S. J. R. 29

S. J. R. 31

S. J. R. 33

S. J. R. 34

S. J. R. 35

S. J. R. 38

Delivered to the Governor January 21, 1975, at 4:55 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the First, Second and Eighth Days and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journals of the Senate for the First, Second and Eighth Days were approved by the Senate.

ADJOURNMENT

At 4:50 P.M., on motion of Mr. Baker, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ Jere Beasley
Lieutenant Governor and President
and Presiding Officer of the Senate

Attest:

/s/ McDowell Lee
Secretary of Senate.

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST
EXTRAORDINARY
SESSION OF 1975

HELD IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, JANUARY 27, 1975



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST
EXTRAORDINARY SESSION OF 1975**

**FIRST LEGISLATIVE DAY
MONDAY, JANUARY 27, 1975**

BE IT REMEMBERED, that on the 23rd day of January, A. D., 1975, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, existing economic conditions which include high interest rates and a high inflation rate make it more difficult for the State to be able to provide the vital functions of government for the citizens of this State; and

WHEREAS, the Governor is determined to meet his responsibilities in providing for the elderly, the handicapped, the mental health program, education, transportation and other vital and necessary functions of government without additional taxes and to be able to do this the maximum possible return must be derived from State financial resources; and

WHEREAS, the present method of depositing State funds does not bring a sufficient financial return to the State in the form of interest, or otherwise; and

WHEREAS, the present allowable maximum rate of interest on time deposits is unreasonable in view of recent rates paid on other investments and the State is unduly restricted in the amount of interest it may earn on State deposits by statutory limitations; and

WHEREAS, there exists this extraordinary and special circumstance which compels and demands the convening of the Legislature of Alabama in an extraordinary session as prescribed by Section 122 of the Constitution of the State of Alabama of 1901, in the public interest and for the public good.

NOW, THEREFORE, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at twelve o'clock noon on the 27th day of January, 1975, and I do designate the following subject and matter to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to require the State Treasurer to deposit in time deposits, open accounts, in state depositories, all funds in excess of the amount needed to meet daily expenditures of the State and remove the upper limit on the interest rate received by the State on such funds from its present 6% limit.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and caused the Secretary of State to attest this Proclamation at the Capitol in the City of Montgomery, on the 23d day of January, 1975.

GEORGE C. WALLACE,
Governor.

Attest:

AGNES BAGGETT
Secretary of State

Pursuant to such proclamation, at the hour of 12 o'clock Noon on Monday, January 27, 1975, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Jere Beasley, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend John D. Trobaugh, Dean of Students, Huntingdon College, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

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LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Baker and Wilson for today.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

ON THIS 27 DAY OF JANUARY, 1975.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Today is an historic occasion for so many of you who for the first time are here assembled in a lawmaking session—and for both freshmen and veteran legislators alike, this day is significant in that we, the people of Alabama, are facing economic times which will test our resolve and fortitudes. I am confident that with your expressed cooperation, we shall solve the problems that are now facing us.

The urgent and necessary special circumstance which compelled me to call you into extraordinary session involves the problems with the General Fund in being able to support the essential functions of State government. We are faced with a shortage of funds in the amount of five or six million this year for Medicaid—a program which we must properly support for our poor and underprivileged. The prison system is badly in need of upgrading and improving, especially in the area of overcrowded conditions and employees benefits. The Tennessee-Tombigbee Waterway Development and our rapid increase in new and expanded industry dictate that the State Docks be modernized and equipped to meet these new challenges for the economic benefit for all of our citizens. This is not possible without a sound and solvent General Fund. Additionally, the hundreds of State employees are entitled, and should receive, at least a cost of living raise and more if possible.

All of these programs, and others, are supported by the General Fund, which we must maintain as a solvent and stable one—without additional tax burdens imposed upon our citizens. Toward this end, I have already proposed, and instructed my Cabinet Members and the agencies heads, to cut expenses, tighten belts, and begin a zero-budget program. Through my leadership I intend that this program be successful.

In addition to the initiative I have taken with the agencies of State government, I now have called you to assemble in this Special Session to propose legislation to further enhance the solvency of the General Fund. Simply stated, this legislation would entitle the State to receive the same interest rate on its time deposits in banks as do other customers on their deposits. This alone is projected to increase the amount of funds going into the General Fund by approximately Five million dollars, and possibly more, during a four year period; or approximately one-hundred thousand dollars per month, or more, without additional taxation. Let me state that I am not singling out, nor am I after, banks; and I am aware of their contributions to our citizens and businesses—and I am convinced that the overwhelming majority of our banks back this program and will support its passage.

I believe that this legislation is not such that will take extensive debate; nor time, of the Legislature; and I placed only one subject in the call for this Special Session in order that you may focus your attention on this all important matter without being distracted by other ones at this time. The condition of the General Fund must come first so that we all can more soundly and intelligently solve other pressing needs in a later session.

I respectfully urge you to speedily enact this Legislation for the longer you delay the longer will be the time for funding of the very essential functions of State government.

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Flippo:

S. 1. To appropriate \$25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 2. To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Committee on Constitution and Elections.

By Mr. Littleton:

S. 3. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the legislature.

Committee on State Government.

By Mr. Weaver:

S. 4. To provide for an expense allowance to be paid the two circuit judges and district attorney of the thirtieth judicial circuit of Alabama; to provide for payment of such expense allowance by the counties comprising such circuit, and to provide that the provisions of this act shall become effective January 20, 1975.

Committee on Local Legislation No. 1.

By Messrs. Little, Torbert, Stewart, McMillan and Edwards:

S. 5. To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol.1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositories in demand deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

Committee on Banking.

By Messrs. Powell, McMillan, Mitchell, Little, Adams, Stewart, Bank, Torbert, Perry, McDonald (S), St. John, Edwards, McDonald (A), Shelby, Roberts, Littleton, Weaver and Jones:

S. 6. To exempt from state income taxes any rebate on taxes paid during the year 1974 that is received during the calendar year 1975.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 7. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Committee on Local Legislation No. 1.

By Messrs. McMillan, Vacca, Gilmore, Pearson, Ellis and Clemon:

S. 8. To name the ambulatory facility at the Medical Center of the University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

Committee on Health and Welfare.

By Messrs. McMillan, Vacca, Gilmore, Pearson and Ellis:

S. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

Committee on Education.

By Mr. Waldrop:

S. 10. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the

state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof", so as to provide further for the use and distribution of the bond proceeds.

Committee on Finance and Taxation.

By Mr. Weaver:

S. 11. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the clerk and sheriff's fee charge by the Probate Court, circuit courts, criminal and civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and cost charged by such courts in counties coming under the provisions of this act.

Committee on Local Legislation No. 1.

By Messrs. Jones and Powell:

S. 12. To amend Act No. 240, H. 627, as amended, approved July 29, 1947, (Local Acts of 1947, P. 165) entitled, "An Act to authorize and require The County Commission of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said act.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF MONTGOMERY COUNTY

The following bill will be introduced at the next session of the legislature.

A BILL TO BE ENTITLED AN ACT

To amend Act No. 240, H. 627, approved July 29, 1947, (Local Acts of 1947, P. 165) entitled, "An act to authorize and require the County Commission of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said county but not for the

elected officials," to provide for an increase in the pension or retiring allowance authorized by said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Under the provisions of Act No. 240 of the Legislature of Alabama approved July 29, 1947 (Local Acts of 1947, P. 165), certain employees of the County are now receiving a pension or retiring allowance and other employees of the County will be so entitled to receive a pension or retiring allowance in the future. Upon the passage of this amendment to Act No. 240 of the Legislature of Alabama, approved July 29, 1947, and its approval by the Governor and upon its otherwise becoming a law, such employees shall be entitled to a twenty percent (20%) increase in such pension or retiring allowance and the County Commission of Montgomery County, Alabama, is hereby authorized and directed to add such twenty percent (20%) increase for employees now retired and other employees who may retire in the future.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Alabama, and that the attached notice appeared in the issues of Oct. 18, 25, Nov. 1, 8 of The Montgomery Independent.

W. T. JOHNSON.

Sworn to and subscribed before me this the 20th day of Nov., 1973.

SUSAN WARD JOHNSON,
Notary Public.

My commission expires Feb. 2, 1975

By Messrs. Jones, Foshee, Bank, Powell and Mims:

S. 13. To provide salary increases for certain state employees; and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Givhan:

S. 14. Relating to usury; amending Code of Alabama 1940, Title 9, Sections 60, 61 and 66 so as to raise the legal rate of interest which may be charged and collected on a loan; to authorize the aggregation of principal and interest at such increased rate when arriving at the amount of periodic installments; and to provide that a banker who discounts a note, bill of exchange or draft at such increased rate will not forfeit the right to collect interest.

Committee on Banking.

By Mr. Flippo:

S. 15. To create and establish a state commission on intergovernmental relations, providing for the appointment, qualifications and tenure of the members and officers of such commission, abolishing the

Alabama Commission on Intergovernmental Cooperation; transferring its funds, property and effects to this newly created commission; and repealing Act No. 882, H. 892, Regular Session of 1965.

Committee on State Government.

By Mr. Fine:

S. 16. To create a State Compensation Commission for the purpose of assisting the Legislature in ascertaining the proper salaries or compensation of constitutional state officers, justices and judges of state courts, members of the Legislature, and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, legislators, officers and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this Act.

Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of two members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a Joint Session of the Legislature and if he does so desire, to further ascertain the time most suitable to him for such address.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Fine and Vacca.

RECESS

At 12:35 P.M., on motion of Mr. Fine, the Senate took a recess until 4:45 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 5. AMENDING JOINT RULE 13.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule No. 13 of the two houses of the Legislature of Alabama, as adopted at the organizational session of 1975 be and the same hereby is amended to read as follows:

“Rule No. 13. No bill amending an existing statute shall be introduced in the Legislature unless: (a) the subject of the bill, independent of references to code sections, is clearly expressed in the title, and (b) unless the material to be inserted is shown by underscored type, provided, however, that the provisions of 13 (b) shall not apply to local bills or general bills of local application on a population basis.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 9. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Jan. 28, 1975 at 3:00 P.M.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 4. WHEREAS, There will be a need for a public hearing on H. B. 15 of the First Special Session of 1975; and

WHEREAS, The Senate Finance and Taxation Committee is invited to conduct a joint hearing, with the House Ways and Means Committee with the Chairman of the Ways and Means Committee presiding, in the House Chamber at 10:00 A.M. on Tuesday, January 28, 1975 for the purpose of a public hearing on said bill

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this hearing shall be jointly held by the Senate Finance and Taxation Committee and the House Ways and Means Committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 4, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 10. Amend the Joint Rules of the two Houses by deleting Rule 5 in its entirety and inserting in lieu thereof the following:

"Rule 5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed Messrs. Goodwin, Pegues and Reed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Coburn:

H. J. R. 6. Commending Congressman Bob Jones for his long service in the U. S. Congress and for being named chairman of the House Public Works Committee.

Also:

By Mr. Lutz:

H. J. R. 7. Mourning the death of Robert Allen Carpenter of New Hope.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 6 and 7, the titles of which are set out in the foregoing Message from the House, were severally read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Robertson, Johnson, Clark, Owens, Lee, Howard and Hopping:

H. J. R. 8. Congratulating Mike Miller on his victory in the 1974 Novice Mini-Cycle National Championship Races.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 1. Relative to notifying the Governor that Legislature is ready for transaction of business.

And the Speaker appointed as a committee on the part of the House Messrs. Goodwin, Pegues and Reed.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Fine, the Senate adjourned until Tuesday, January 28, 1975, at 10 o'clock A.M.

SECOND LEGISLATIVE DAY

TUESDAY, JANUARY 28, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Laurie Jones, Minister, Oak Park Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald

(S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Mitchell, Baker and Wilson for today.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 2. Naming Committee to notify the Governor that the Legislature is now in Session.

On motion of Mr. Foshee, said Resolution was then concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Fine and Vacca.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 5. Amending Joint Rule 13.

On motion of Mr. Foshee, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 6. Commending Congressman Bob Jones for his long service in the U. S. Congress and for being named chairman of the House Public Works Committee.

On motion of Mr. Flipppo, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 7. Mourning the death of Robert Allen Carpenter of New Hope.

On motion of Mr. King, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 8. Congratulating Mike Miller on his victory in the 1974 Novice Mini-cycle National Championship Races.

On motion of Mr. Shelby, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 10. Amending Joint Rule 5.

On motion of Mr. Foshee, said Resolution was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Littleton offered the following Senate Resolution, to-wit:

S. R. 2. Amending Senate Rule 61.

BE IT RESOLVED BY THE SENATE OF ALABAMA, that Senate Rule 61 as adopted in the Organizational Session 1975, be and the same is hereby amended to read as follows:

Rule 61. The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate; however, this rule shall not apply to uncontested local bills and uncontested general bills of local application.

On motion of Mr. Littleton, the Rules were suspended by unanimous consent, and said Resolution was adopted by the Senate.

Messrs. McDonald (S), St. John and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. REQUESTING GOVERNOR GEORGE C. WALLACE TO CALL AN EXTRAORDINARY SESSION OF THE ALABAMA LEGISLATURE TO CONSIDER THE SHORTAGE OF FUNDS AVAILABLE FOR THE DEPRESSED HOME BUILDING INDUSTRY AND TO ALLOW SAVINGS AND LOAN INSTITUTIONS TO BE DESIGNATED AS DEPOSITORIES OF STATE FUNDS.

WHEREAS the home building industry of Alabama is depressed with large numbers of painters, carpenters and other workers in that industry unemployed; and

WHEREAS this condition that produces unemployment in Alabama is directly related to the ability of home owners and home builders to obtain money from lenders; and

WHEREAS housing starts in Alabama are only 55% of what they were two years ago and the housing industry is one of the most depressed industries in our ailing economy; and

WHEREAS the present ceilings on the interest rates is unrealistic in view of the present money market conditions; and

WHEREAS the State of Alabama is a borrower or a capital deficient state that does not generate sufficient investment capital to finance and sustain economic growth essential to the economic well-being of all her citizens; and

WHEREAS the prevailing national interest rates greatly affects the ability of the State of Alabama to attract to and to retain in Alabama funds necessary to finance economic growth; and

WHEREAS the net result of this situation is to make it difficult if not impossible for potential home buyers to obtain home loans and for individuals and commercial establishments to obtain loans they desire; and

WHEREAS it is equitable that savings and loan institutions in Alabama be allowed to be designated as depositories of state funds to enable them to increase their home loans; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Governor George C. Wallace is hereby requested to call an extraordinary session of the Alabama Legislature at the earliest possible moment to consider the matter of interest rates on home loans and the interest rates on commercial and personal single pay loans and the matter of allowing savings and loan institutions to be designated as depositories of state funds.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered with deliberate speed to Governor George C. Wallace.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. King, Roberts, Stewart, McDonald (S), Noonan, Owen, Vacca, Gilmore, Shelby, Bank, Weaver, St. John, Littleton, Foshee, Perloff, Jones, Edwards, Pearson, Flippo, McMillan, Fine, Powell, McDonald (A) and Waldrop:

S. 17. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, Roberts, McDonald (S), Waldrop, Owen, Vacca, Gilmore, Shelby, Weaver, Bank, Littleton, Foshee, Perloff, Pearson, Flippo, Fine, Powell and McMillan:

S. 18. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Chief Examiner of the Examiners of Public Accounts to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds

or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Committee on State Government.

By Mr. Jones:

S. 19. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act. No. 999, H. 288, Regular Session 1969 [Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56)], as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

Committee on State Government.

REPORTS OF COMMITTEES

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute and it was read a second time and placed on the calendar, to-wit:

By Mr. Littleton (With Substitute):

S. 3. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the legislature.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan:

S. 14. Relating to usury; amending Code of Alabama 1940, Title 9, Sections 60, 61 and 66 so as to raise the legal rate of interest which may be charged and collected on a loan; to authorize the aggregation of principal and interest at such increased rate when arriving at the amount of periodic installments; and to provide that a banker who discounts a note, bill of exchange or draft at such increased rate will not forfeit the right to collect interest.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 2. To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Flipppo:

S. 1. To appropriate \$25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 16. To create a State Compensation Commission for the purpose of assisting the Legislature in ascertaining the proper salaries or compensation of constitutional state officers, justices and judges of state courts, members of the Legislature, and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, legislators, officers and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this Act.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Vacca, Gilmore, Pearson and Ellis:

S. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jones and Powell (with notice and proof):

S. 12. To amend Act No. 240, H. 627, as amended, approved July 29, 1947, (Local Acts of 1947, P. 165) entitled, "An Act to authorize and require The County Commission of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said

County but not for the elected officials'', to provide for an increase in the pension or retiring allowance authorized by said act.

By Mr. Weaver:

S. 4. To provide for an expense allowance to be paid the two circuit judges and district attorney of the thirtieth judicial circuit of Alabama; to provide for payment of such expense allowance by the counties comprising such circuit, and to provide that the provisions of this act shall become effective January 20, 1975.

By Mr. Waldrop:

S. 7. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

By Mr. Weaver:

S. 11. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the clerk and sheriff's fee charge by the Probate Court, circuit courts, criminal and civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and cost charged by such courts in counties coming under the provisions of this act.

REQUEST FOR SENSE OF THE SENATE

AT THE REQUEST OF Mr. Fine, the President and Presiding Officer of the Senate asked for the sense of the Senate on the following question: Should the Alabama Legislature include in the present special session, any future special session or the regular session any consideration of legislation dealing with the usury statute?

The following voted "Aye":

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Weaver.

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The following voted "Nay":

Messrs. Bank, Clemon, Little, Pearson, Stewart, Waldrop.

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RESOLUTIONS

Messrs. Ellis, Vacca, Gilmore, McMillan, Littleton and McDonald (S) offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. Relates to Alabama Public Television Network relicensing.

WHEREAS, the Alabama Educational Television Commission was established by the Alabama Legislature in 1953 for the purpose of making educational television available to and promoting its fullest use by inhabitants of Alabama, and

WHEREAS, the Alabama Educational Television Commission has created, developed, and operates the nation's first and finest public television network, and

WHEREAS, the Alabama Public Television Network, through the simulcasting of local and national presentations, makes available to all of the schools and homes of Alabama, instructional, educational, cultural, and public affairs programs of great public service and significance, and

WHEREAS, the Federal Communications Commission has recently denied the renewal of the licenses for the nine stations of the educational network based on discriminatory practices alleged to have occurred over five years ago, and

WHEREAS, the Federal Communications Commission has permitted the Alabama Educational Television Commission to reapply for the licenses due to its efforts to correct the allegations and eliminate practices which may have existed;

BE IT THEREFORE RESOLVED, that the Legislature of the State of Alabama does hereby acknowledge the importance of the concept and continuation of the Alabama Public Television Network to the State of Alabama; and

BE IT FURTHER RESOLVED, that the Legislature of the State of Alabama encourages and supports the Alabama Educational Television Commission in its efforts to seek relicensing of all of the stations of the Alabama Public Television Network.

Which was read and referred to the Standing Committee on Rules.

Mr. Flippo offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. CONGRATULATING SENATOR JOE FINE ON HIS BIRTHDAY AND WISHING HIM MANY HAPPY RETURNS.

WHEREAS our esteemed colleague Senator Joe Fine celebrates his birthday tomorrow, January 29; and

WHEREAS it has been our distinct pleasure to serve with Senator Fine for many years, and it is our sincere hope that our association continues for many more years; and

WHEREAS Senator Fine is not getting older, he is getting better; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Senator Joe Fine a very happy birthday with many returns.

RESOLVED FURTHER That we would have baked a cake but Senator Fine would not tell us how many candles would be appropriate.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 11:40 A.M., on motion of Mr. Fine, the Senate took a recess until 4:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 11. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn to meet again on Wed. Jan. 29 at 10:00 A.M.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Reed:

H. J. R. 18. TO CREATE A JOINT LEGISLATIVE COMMITTEE TO STUDY AND INVESTIGATE THE ALABAMA PRISON SYSTEM

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby created and established a joint legislative study committee composed of five members of the House of Representatives appointed by the Speaker of the House and four members of the Senate appointed by the President of the Senate, to study and investigate the Alabama prison system. Insofar as possible appointments to such committee shall be made from persons volunteering for service on such committee. The members of the committee shall meet within thirty days after their appointment at a place agreed upon, and shall elect a chairman and vice-chairman from among their number.

2. In conducting its study and investigation the committee shall especially study housing, feeding, clothing, health and disciplinary practices and procedures, and deviations from normal ways of life of

prisoners. The committee may also study any other phase of the prison problems which the committee may deem to be pertinent.

3. The committee shall make a final report including its findings, conclusions and recommendations to the next regular session of the Legislature not later than the thirty-first legislative day. In such report the committee shall state exactly what progress has been made toward correcting conditions designated in federal court orders as unsatisfactory, and shall also list each case since January 1, 1973 brought by any individual or federal agency against the State of Alabama or any of its agencies relative to the conditions in Alabama prisons or the treatment of prisoners in this state. Upon filing its report the committee shall be dissolved.

4. The members of the committee shall receive their usual legislative per diem and expenses for each day they are engaged in the business of the committee, which shall be paid out of funds appropriated for the expenses of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 18, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Robertson and Malone:

H. J. R. 21. CREATING AN INTERIM COMMITTEE TO CONDUCT A STUDY OF THE MERIT SYSTEM

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to make an in depth study of the merit system of this state. Such committee shall be composed of four members of the House to be appointed by the Speaker of the House and three members of the Senate, to be appointed by the President of the Senate. The director of the Department of Finance and the executive director of the Alabama State Employees Association or their designated agents shall be ex officio members of the committee. The committee shall meet as soon as practicable after their appointment and select a chairman from among its members. It shall meet at such subsequent time or times upon the call of the chairman.

It shall be the duty of the committee to conduct an in depth study of the operation of this state's merit system including, but not limited to, the problems of state employees and their compensation.

Members of the committee shall receive no compensation for their services but legislative members shall be entitled to their regular legislative pay and expenses on any day they meet when the legislature is

not in session. All such pay and expenses of the committee shall be paid out of any funds appropriated to the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature at any time not later than the fifth legislative day of the next regular session, whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 21, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:40 P.M., on motion of Mr. Fine, the Senate adjourned until Wednesday, January 29, 1975, at 10 o'clock A.M.

THIRD LEGISLATIVE DAY

WEDNESDAY, JANUARY 29, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Chester Jernigan, Minister, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

RESOLUTIONS

Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson and Lieutenant Governor Beasley offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. EXTENDING BEST WISHES TO JOE MELTON ON HIS RETIREMENT

WHEREAS, Trooper Joe Melton will retire on Friday, January 31, from a career of thirty-six years in law enforcement; and

WHEREAS, Trooper Melton joined the Highway Patrol in 1939 as a motorcycle patrolman, served as security officer for Governor Chauncey Sparks, and was subsequently chosen to be administrator and instructor at the Alabama Police Academy for thirteen years; and

WHEREAS, He has been Chief of Security for the Legislature for four years, serving and protecting us with loyalty, integrity and dedication; and

WHEREAS, Trooper Melton will be sorely missed; his friendliness, humor and willingness to serve his fellow man have earned for him the friendship and affection of us all; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Trooper Melton for his distinguished career of dedicated service to the State of Alabama.

BE IT FURTHER RESOLVED That we wish for our friend Joe Melton many years of health and happiness in his retirement.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Mims, Mitchell, Givhan, Gilmore, Waldrop, Roberts, Jones, Vacca, Adams, McDonald (S), Shelby, Pearson, McDonald (A), Owen, Bank, Perloff, Ellis, Clemon, Littleton, Foshee, Fine, Powell, Stewart and Edwards:

S. 20. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employees' retirement system, and to provide for the manner of their employment and regulation of their compensation.

Committee on State Government.

By Messrs. King, Flippo, Stewart, Roberts, Baker and Shelby:

S. 21. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Appointing a committee to notify the Governor that the Legislature is in session and ready for the transaction of business.

Also:

H. J. R. 5. AMENDING JOINT RULE 13.

Also:

H. J. R. 6. COMMENDING CONGRESSMAN BOB JONES FOR HIS LONG SERVICE IN THE U. S. CONGRESS AND FOR BEING NAMED CHAIRMAN OF THE HOUSE PUBLIC WORKS COMMITTEE.

Also:

H. J. R. 7. MOURNING THE DEATH OF ROBERT ALLEN CARPENTER OF NEW HOPE.

Also:

H. J. R. 8. Congratulating Mike Miller on his victory in the 1974 Novice Mini-Cycle National Championship Races.

Also:

H. J. R. 10. Amending Rule 5 of the Joint Rules.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after thier titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (With Amendment):

S. 10. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof", so as to provide further for the use and distribution of the bond proceeds.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Jones, Foshee, Bank, Powell and Mims:

S. 13. To provide salary increases for certain state employees; and to appropriate funds therefor.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, Roberts, Stewart, McDonald (S), Noonan, Owen, Vacca, Gilmore, Shelby, Bank, Weaver, St. John, Littleton, Foshee, Perloff, Jones, Edwards, Pearson, Flippo, McMillan, Fine, Powell, McDonald (A), Waldrop, Ellis and Perry:

S. 17. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

The above Bill was read a second time at length as required by the Constitution.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Flippo:

S. 15. To create and establish a state commission on intergovernmental relations, providing for the appointment, qualifications and tenure of the members and officers of such commission, abolishing the Alabama Commission on Intergovernmental Cooperation; transferring its funds, property and effects to this newly created commission; and repealing Act No. 882, H. 892, Regular Session of 1965.

By Messrs. King, Roberts, McDonald (S), Waldrop, Owen, Vacca, Gilmore, Shelby, Weaver, Bank, Littleton, Foshee, Perloff, Pearson, Flippo, Fine, Powell and McMillan:

S. 18. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Chief Examiner of the Examiners of Public Accounts to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of

Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

By Mr. Jones:

S. 19. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act. No. 999, H. 288, Regular Session 1969 [Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56)], as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Rich:

H. J. R. 12. Commending Southside High School Basketball Team for winning 1975 Etowah County Tournament.

Also:

By Mr. Rich:

H. J. R. 13. Commending the Sand Rock "B" Team and Junior High Team for winning the 1975 Cherokee County Basketball Tournament.

Also:

By Mr. Rich:

H. J. R. 14. Commending the Spring Garden High School for winning the 1975 Cherokee County Basketball Tournament.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolutions, H. J. R's 12, 13 and 14, the titles of which are set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McCluskey, Teague, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 15. EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF CARL HESTON DIAL, THE FATHER OF OUR COLLEAGUE, GERALD DIAL

WHEREAS, the Legislature of the State of Alabama notes with regret the passing of Carl Heston Dial; and

WHEREAS, Mr. Dial worked tirelessly for the betterment of his community and the county in which he lived; and

WHEREAS, he was a retired county commissioner of Clay County, having served 12 years; and

WHEREAS, his dedication to the principles of soil and water conservation was shown by his giving of much of his time and effort to that cause having served as Vice Chairman of the Clay County Soil and Water Conservation District Board of Supervisors from the time of its formation in 1960 until his death on December 17, 1974; and

WHEREAS, he was instrumental in the formation of the Ketchepedrakee Creek Watershed, the Crooked Creek Watershed, and the Coosa Valley Resource and Conservation Development Project; and

WHEREAS, Mr. Dial served as concessionaire of the Clay County Public Fishing Lake at Delta, Alabama, since its inception; and

WHEREAS, we shall miss this great leader whom we have long admired and respected and have been proud to call our friend throughout many years of close association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the death of Carl Heston Dial and express our deep and sincere sympathy to his widow, Mrs. Ruth Dial, and his family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Morris:

H. J. R. 17. Mourning the death of James Rayford Harrington.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Rules were suspended and the Resolution, H. J. R. 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Wyatt:

H. J. R. 19. Commending the South Montgomery Academy Football Team for its fine season.

Also:

By Mr. Wyatt:

H. J. R. 20. Commending the Montgomery County High School Basketball Team for winning the Central Alabama Conference Title.

Also:

By Mr. Kinsey:

H. J. R. 22. Mourning the death of William F. (Bill) Anderson.

Also:

By Messrs. Malone, McMillan, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 23. Complimenting Miss Diane Eddins upon being chosen Alabama Junior Miss for 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 19, 20, 22 and 23, the titles of which are set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. NOTING THE RETIREMENT OF MRS. BESSIE SEARS ESTELL, AND COMMENDING HER FOR MANY YEARS OF COMPETENT AND DEDICATED SERVICE IN THE BIRMINGHAM CITY SCHOOL SYSTEM.

WHEREAS the teaching profession is one of the most difficult and demanding of professions, and those rare individuals who earn the love and respect of both students and fellow educators for their competence, dedication, and insight are deserving of the highest praise this legislature can bestow; and

WHEREAS Mrs. Bessie Sears Estell is one of those rare individuals, who, for 49 years, gave untiringly of her considerable teaching skills and knowledge of the human heart as well as the mind; and

WHEREAS Mrs. Estell retired from teaching on June 15, 1974 after a career in which she served as a teaching principal since 1942, and as teaching principal at West Center Street School since 1970; and

WHEREAS Mrs. Estell will be missed by her pupils, colleagues, and anyone interested in the education of the youth of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mrs. Bessie Sears Estell for her invaluable contributions to education in Alabama, and extend our best wishes for a happy and fulfilling retirement.

BE IT FURTHER RESOLVED That we are heartened by the fact that Mrs. Estell is remaining active in community affairs as a member of Commissioner Tom Gloor's mini-cabinet, thus availing the citizens of Birmingham of the benefit of her wisdom and experience.

RESOLVED FURTHER, that a copy of this resolution be sent to Mrs. Bessie Sears Estell.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Foshee, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca,

Waldrop, Weaver and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. WISHING MRS. GEORGE CORLEY WALLACE A HAPPY BIRTHDAY.

WHEREAS this is the birthday of our beautiful and most gracious First Lady, Cornelia Ellis Wallace; and

WHEREAS Mrs. Wallace's radiant beauty, charm and vivacious personality have enhanced the lives of all those with whom she comes in contact and her sincerity and warmth have deeply impressed her ever-widening circle of friends and admirers; and

WHEREAS Mrs. Wallace is not only a lady of many talents, but she has also assumed her duties as First Lady of Alabama with such courage, poise and dignity as to make her a veritable inspiration to all of us; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to Mrs. Wallace all best wishes for the happiest of birthdays today and throughout the coming years.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 3. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the legislature.

was taken up.

The Standing Committee on State Government reported the following substitute for the Bill, S. B. 3, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. NO. 3

A BILL TO BE ENTITLED AN ACT

To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1.

a. There shall be created and hereby authorized to the Legislature a position designated as Chief of Security. Said Chief Security Officer shall be appointed by the President of the Senate and the Speaker of the House jointly and shall be in charge of all security operations for the Alabama Legislature. Said Chief of Security shall receive a rate of compensation not to exceed \$15,000 per annum and shall be entitled to all benefits and allowances as other Legislative security officers. Said compensation to be payable as other State employees are paid.

b. The presiding officer of each house of the Legislature shall appoint a deputy security officer, who shall hold the rank of Lieutenant, and two deputy security officers for their respective houses to insure the orderly operation of such house and committees thereof.

c. Such security officers shall serve at the pleasure of their respective appointing officers and shall serve under the direct supervision of the Secretary of the Senate and the Clerk of the House of Representatives.

d. Said security officers, in addition to their salaries, shall be entitled to the same insurance, retirement and leave benefits as other State law enforcement officers.

Section 2. The legislative security officers herein provided for are hereby designated as police officers and shall have the same powers to act as such in the performance of their duties as other police officers of the State of Alabama. Each security officer shall be a graduate of a recognized police academy with a minimum of five years of responsible law enforcement experience.

Section 3. The rules committee of each house shall adopt rules regarding the organization, supervision, compensation and general operations of its security staff. The number of security officers provided by this Act shall be in addition to all other legislative employees heretofore or hereafter provided by law and all salaries, compensation, and expenses incurred by or in connection with such security staff shall be paid from the funds appropriated to and provided for the Legislature.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Little moved that further consideration of the Bill, S. B. 3 and pending substitute, be postponed until the Fourth Legislative Day.

On motion of Mr. Fine, the motion to postpone was laid on the table.

And said substitute for the Bill, S. B. 3, was then adopted.

Yeas 29; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—29

Nays:

Messrs. Baker, Little.

—2

And said Bill, S. B. 3, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 1.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—29

Nay:

Mr. Baker.

—1

BILLS ON THIRD READING

The Bill:

S. 14. Relating to usury; amending Code of Alabama 1940, Title 9, Sections 60, 61 and 66 so as to raise the legal rate of interest which may be charged and collected on a loan; to authorize the aggregation of principal and interest at such increased rate when arriving at the amount of periodic installments; and to provide that a banker who discounts a note, bill of exchange or draft at such increased rate will not forfeit the right to collect interest.

was taken up.

On motion of Mr. Fine, consideration of the Bill, S. B. 14, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 8. Relative to extending best wishes to Joe Melton on his retirement.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Smith (C), Carothers, Smith (M) and Venable:

H. J. R. 24. Relates to Alabama Public Television Network relicensing.

WHEREAS, the Alabama Educational Television Commission was established by the Alabama Legislature in 1953 for the purpose of making educational television available to and promoting its fullest use by inhabitants of Alabama, and

WHEREAS, the Alabama Educational Television Commission has created, developed, and operates the nation's first and finest public television network, and

WHEREAS, the Alabama Public Television Network, through the simulcasting of local and national presentations, makes available to all of the schools and homes of Alabama, instructional, educational, cultural, and public affairs programs of great public service and significance, and

WHEREAS, the Federal Communications Commission has recently denied the renewal of the licenses for the nine stations of the educational network based on discriminatory practices alleged to have occurred over five years ago, and

WHEREAS, the Federal Communications Commission has permitted the Alabama Educational Television Commission to reapply for the licenses due to its efforts to correct the allegations and eliminate practices which may have existed;

BE IT THEREFORE RESOLVED, that the Legislature of the State of Alabama does hereby acknowledge the importance of the concept and continuation of the Alabama Public Television Network to the State of Alabama; and

BE IT FURTHER RESOLVED, that the Legislature of the State of Alabama encourages and supports the Alabama Educational Television Commission in its efforts to seek relicensing of all of the stations of the Alabama Public Television Network.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 1. To appropriate \$25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—31

Nays:

—0

The Bill:

S. 2. To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—32

Nays:

—0

At the request of Messrs. Owen and Foshee, their names were added as co-sponsors of the above Bill.

The Bill:

S. 16. To create a State Compensation Commission for the purpose of assisting the Legislature in ascertaining the proper salaries or compensation of constitutional state officers, justices and judges of state courts, members of the Legislature, and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, legislators, officers and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this Act.

was taken up.

Mr. Fine offered the following substitute for the Bill, S. B. 16, to-wit:

SUBSTITUTE FOR S. B. 16

A BILL
TO BE ENTITLED
AN ACT

To create a State Compensation Commission for the purpose of assisting the Legislature in ascertaining the proper salaries or

compensation of constitutional state officers, members of the Legislature, and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, legislators, offices and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. A State Compensation Commission is hereby established for the purpose of assisting the Legislature of Alabama in setting the salaries or compensation of constitutional state officers (but not county officers, nor justices or judges of state, county or district courts), members, officers and employees of the Alabama Legislature, and the following state officers, offices and positions: Administrator, Alcoholic Beverage Control Board; Commissioner of Corrections; Commissioner of Revenue; Commissioner of the State Department of Pensions and Security; Chief Examiner, Department of Examiners of Public Accounts; Chairman, Alabama Commission on Intergovernmental Cooperation; Director of the Legislative Reference Service; Chairman of the Legislative Council; Director of Law Enforcement Planning Agency; Director of Civil Defense Agency; Adjutant General; Director of Archives and History; Director of Selective Service; State Toxicologist; Director of Aeronautics Department; Director of Conservation; Director of Development; Director of Finance; Director of Industrial Relations; Director of Labor; Director of Publicity and Information; Director of Public Safety; Director of State Docks; Executive Secretary to the Governor; Governor's Legal Advisor; Highway Director; Pardon and Parole Board; Public Service Commission; Securities Commissioner; State Health Officer; State Mental Health Officer, Superintendent of Banks; Superintendent of Education; and Superintendent of Insurance; and members of the State Board of Education.

Where the words, "officers, offices or positions", or any one of them hereinafter appear in this Act, it is intended to include all officers, offices and positions mentioned or listed or referred to in this section.

Where the words, "constitutional state officers" or similar words appear herein, it is intended to include only those officers listed in Section 116 of the Constitution of Alabama and Amendment No. 282 to the Constitution of Alabama and the Speaker of the House of Representatives. This Act shall not apply to county officers.

Section 2. The Commission shall be composed of seven (7) members; three (3) shall be appointed by the Governor, two of whom shall be experienced in the field of business finance, business management, or labor management, or labor-management relations; two (2) by the

Lieutenant Governor; one (1) by the Speaker of the House; and one (1) by the Chief Justice of the Supreme Court. The terms of the Commissioners shall be six (6) years. Of the initial appointees, the three who are appointed by the Governor shall be appointed for two (2) years; the two appointed by the Lieutenant Governor shall be appointed for four (4) years; the one appointed by the Speaker of the House shall be appointed for six (6) years; and the one appointed by the Chief Justice shall be appointed for six (6) years. The initial appointments shall be made within fifteen (15) days after this Act becomes effective. The Commission shall meet immediately after a majority of its members have been appointed. The members of the Commission shall be eligible for reappointment and any vacancy in the membership shall be filled by the appointing officer, who originally appointed the member who caused the vacancy, within ten (10) days after the vacancy occurs. The members of the Commission shall elect one of their members as Chairman at their first meeting. He shall serve for two years and every two years thereafter a new Chairman shall be elected. In the event a vacancy occurs in the Chairmanship during any such two year period, the other members shall call a special meeting for the purpose of electing a new chairman. The Commission shall take no action or make a determination or recommendation without concurrence of a majority of the members appointed and serving on the Commission. No member or employee of the legislative, judicial or executive branch of the State Government, or its political sub-divisions, shall be eligible to be a member of the Commission. Each member of the Commission shall be paid at the rate of \$50.00 for each day such member is engaged upon the work of Commission and shall be reimbursed for their actual and necessary expenses, including travel, lodging, food and other expenses, incurred in the performance of their duties, within or outside the state. Travel outside the state must be approved by the Chairman in advance of such travel and shall be made only if necessary and proper.

Section 3. The Director of the State Personnel Board shall serve as Secretary to the Commission and shall provide record-keeping facilities, research facilities, and other facilities as needed from personnel within his department, and such other assistance, which the Commission may request. The Commission may call upon the services of any agency of the state for assistance and such agency shall give priority to such request from its personnel. The Commission is authorized and empowered to employ consultants and staff personnel, either on a full-time or part-time basis, at a rate of compensation to be fixed by the Commission, if the Commission deems it necessary, and to reimburse the actual expenses of such consultants and staff personnel, including expenses of travel, food, lodging and other expenses, in order to accomplish the objectives of the Commission. All per diem payments and expenses of the members of the Commission, all compensation and expenses paid to consultants and staff personnel, and all other expenses incurred by the Commission in the performance of its duties shall be paid from funds appropriated to the Commission.

Section 4. The individual salaries or compensation, which are paid from the state treasury, of all state officers, offices and positions listed in Section 1 of this Act are hereby fixed at a sum commensurate with the duties, responsibilities and powers of their respective offices or positions, which said sum shall be determined from considerations of salaries or compensation which are being currently received by officers, and employees serving in comparable positions with the Federal Government,

other state governments, and in industry, business and the professions and shall be paid from the state treasury in the same manner as other state officials and employees are paid. The Commission is hereby directed, authorized and empowered to make finding of facts, including the determination of the exact amount of each such individual salary or compensation, and in making this comparative study the Commission shall utilize all available data pertaining to prevailing market rates and relating to the cost and standards of living of persons in comparable positions.

Section 5.

a. The Commission shall submit a report to the Legislature on or before the 5th Legislative day of the Regular Session to be held in May of 1975, and at each Regular Session each four years thereafter. The recommendations of the commission shall become law unless rejected by a joint resolution or altered by act of the Legislature within 10 legislative days after the filing of said report at the session to which the report is submitted. The compensation of any person covered by this act shall not be diminished during his official term.

b. A copy of any report of said Commission shall be furnished to the offices of the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives, and the State Comptroller. Should any one or more of the offices in which a copy of said report is to be furnished be vacant, then it is not necessary to furnish a copy to such office or offices. On the copy of each report furnished to the office of the Secretary of State there should be a certificate reciting that copies of such report have been furnished to the other offices.

c. The salaries, compensation, or allowances set by said commission shall take effect on October 1, 1975, unless the effective date is changed by joint resolution or act of the Legislature as hereinabove provided. Thereafter the commission shall determine the effective date of all future changes or alterations in salaries, compensation, or allowances allowed under this act.

Section 6. There is hereby appropriated a sufficient sum of money for each fiscal year hereafter from the General Fund for the use of the Commission to carry out the provisions of this Act.

Section 7. There is further appropriated sufficient money from the General Fund for each fiscal year hereafter to pay all of the said salaries or compensation set by the Commission for the several officers, persons, offices, and positions affected by this Act. The said salaries or compensation set by the Commission shall have the same effect upon appropriations as if the salaries or compensation were set in specific amount by legislative act.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided, that if any provision of this Act shall be prevented from

becoming effective immediately because of a bar or prohibition contained in some provision of the Constitution then such provision of this Act shall become effective upon the removal of the constitutional bar thereto.

On motion of Mr. Fine, further consideration of the Bill, S. B. 16 and pending substitute, was indefinitely postponed by the Senate.

The Bill:

S. 12. To amend Act No. 240, H. 627, as amended, approved July 29, 1947, (Local Acts of 1947, P. 165) entitled, "An Act to authorize and require The County Commission of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—25

Nays:

—0

At the request of Mr. Mitchell, his name was added as co-sponsor of the above Bill.

The Bill:

S. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—31

Nays:

—0

THE BILL:

S. 4. To provide for an expense allowance to be paid the two circuit judges and district attorney of the thirtieth judicial circuit of Alabama; to provide for payment of such expense allowance by the counties comprising such circuit, and to provide that the provisions of this act shall become effective January 20, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Weaver.

—25

Nays:

—0

The Bill:

S. 7. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Callahan, Crowe, McCorquodale, Crawford, Plaster, Weeks, Coburn, Naramore, McNair, Robertson, McCluskey, Manley, Folmar, Riddick, Turnham, Smith (M), Rich, Owens, Drake, Reed, Falkenburg, Pegues, Campbell, Lockett, Jackson, Higginbotham, Whatley, Baker, Carothers, Williams, Dial, Teague, Edwards, Cross, Roberts, Martin, Moore (W), Carter, Lee, Clark, Johnson, Boles, Lutz, Hill, Goodwin, Warren, Ford, Leonard, Harris, Glass, Sonnier, Kennedy, Sandusky, Kinsey, McMillan, Hines, Malone, Cooper, LeFlore, McCulley, Wyatt, Sparks, Hopping, Hall, Shelton, Kelley, Brindley, Killian, Andrews, Trammell, White and McNeas:

H. 15. To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositories in demand deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 15. To the Committee on Banking

MOTION TO RECONSIDER

On motion of Mr. Fine, the Senate reconsidered the vote by which the Bill:

S. 16. To create a State Compensation Commission for the purpose of assisting the Legislature in ascertaining the proper salaries or compensation of constitutional state officers, justices and judges of state courts, members of the Legislature, and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, legislators, officers and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this Act.

with pending substitute, was indefinitely postponed.

Mr. McMillan offered the following amendment to the substitute for the Bill, S. B. 16, which substitute is previously set out at length, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 16

Amend Substitute for S. B. 16 by striking on line 3 on p. 4 (four) beginning: "(1) by the Chief Justice of the Supreme Court" and amending line 8 on page four to substitute in lieu of the word "one" on that line the word "two" and striking on line 9 on page 4 beginning "and the one appointed by" and striking all of line 10 with the exception of the last word on that line.

Also, on Line 2 delete the word and figure "one (1)" and insert in lieu there of the words "two (2)".

Which was adopted.

Mr. Mims offered the following amendment to the substitute, as amended, for the Bill, S. B. 16, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 16

Amend Section 5 on page 6 by adding a 4th sentence of 5 (a) as follows:

Such salary or compensation report shall become effective only if ratified by an Act of the Legislature passed by recorded vote of both houses.

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 28; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—28

Nays:

Messrs. Mims, Noonan, Torbert.

—3

And said substitute, as thus amended, for the Bill, S. B. 16, was then adopted by the Senate.

Yeas 27; Nays 4.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, King, Littleton, McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—27

Nays:

Messrs. Little, McDonald (A), Noonan, Torbert.

—4

And said Bill, S. B. 16, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 29; Nays 5.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

Nays:

Messrs. Little, McDonald (S), Noonan, Perry, Torbert.

—5

At the request of Messrs. King and Flipppo, their names were added as co-sponsors of the above Bill.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 8. EXTENDING BEST WISHES TO JOE MELTON ON HIS RETIREMENT.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Waggoner, Biddle, Armstrong, Jolly, Hilliard, Leonard, Gafford, Andrews, Harrison, Trammell, Moore (O), White, Falkenburg, Hall, McNair, Porter, Hopping and Howard:

H. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

Also:

By Messrs. Waggoner, Biddle, Armstrong, Jolly, Hilliard, Leonard, Harrison, Andrews, Trammell, Moore (O), White, Gafford, Falkenburg, Hall, Porter, McNair, Hopping and Howard:

H. 10. To name the ambulatory facility at the Medical Center of the University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

Also:

By Mr. Barron:

H. 14. To appropriate \$25,000.00 from the Alabama State Board of

Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

- H. B. 9. To the Committee on State Government.
- H. B. 10. To the Committee on Health and Welfare.
- H. B. 14. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Weeks:

H. 1. To provide a clerk for the office of the Sheriff of Marion County, Alabama, fixing the salary of said clerk and prescribing the duties of said clerk.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage, and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide a clerk for the office of the Sheriff of Marion County, Alabama, fixing the salary of said clerk and prescribing the duties of said clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Marion County be and hereby is authorized to employ a clerk for the Sheriff's office to perform such duties as may be prescribed by the Sheriff from time to time. That the salary of said clerk shall be fixed at a sum not to exceed \$600.00 per month as determined by the Marion County Commission, such salary to be paid out of the General Fund of Marion County. The said clerk shall serve at the pleasure of the Sheriff of Marion County.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger Quinn, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Marion County Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on November 28, December 5, December 12, and December 19, all in the year 1974.

ROGER QUINN.

Sworn to and subscribed before me January 24, 1975.

ANN SIMS,
Notary Public.

Also:

By Mr. Weeks:

H. 2. To amend further Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge and of the court reporter of said court.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge and of the court reporter of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (acts 1957, v. 1, p. 72), as amended, is hereby further amended so as the read as follows:

"Section 5. The judge of the Marion County Superior Court shall receive a monthly salary of One Thousand Five Hundred Forty-two

Dollars payable out of the county treasury. In addition to the compensation provided herein, the judge of said court shall be entitled to receive the sum of \$200.00 per month as reimbursement for the expenses incurred by him in the performance of his duties as the judge of such court."

Section 2. Section 17 of said Act No. 30, H. 116, Regular Session 1957, as amended, is hereby further amended so as to read as follows:

"Section 17. The judge of the court shall appoint a competent person capable of taking the proceedings of said court in shorthand as a full time official reporter for the court. The court reporter shall be removable at the discretion of the judge. The reporter's duties shall be the same as those required by law of reporters for the circuit courts of the state; he shall receive the same rate of compensation for transcribing the testimony or other proceedings as is now provided for the circuit court reporters, and shall also receive \$300.00 a month and five dollars for each half day or fraction thereof he is engaged in taking testimony or other proceedings of the court; such salary and compensation shall be paid out of the county treasury."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger Quinn, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Marion County Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on November 28, December 5, December 12, and December 19, all in the year 1974.

ROGER QUINN.

Sworn to and subscribed before me January 24, 1975.

ANN SIMS,
Notary Public.

Also:

By Mr. Weeks:

H. 3. To provide for an additional expense allowance for each member of the Marion County Commission.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage, and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for an additional expense allowance for each member of the Marion County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Marion County Commission shall be entitled to receive an expense allowance of \$100.00 per month to be paid out of the county treasury and shall be in addition to all other salaries, compensation and expense allowances provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger Quinn, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Marion County Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on November 28, December 5, December 12, and December 19, all in the year 1974.

ROGER QUINN.

Sworn to and subscribed before me January 24, 1975.

ANN SIMS,
Notary Public.

Also:

By Messrs. Ford, Rich, Brindley and Taylor:

H. 4. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment

of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Also:

By Messrs. Hill, Coburn and Greer:

H. 5. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide further for the compensation and expense allowances of certain county officials.

Also:

By Messrs. Hill, Coburn and Greer:

H. 6. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county commissioners of such county.

Also:

By Mr. Hill:

H. 7. Further amending Title 37, Section 73, Code of Alabama, 1940, establishing the salaries of commissioners of certain cities, so as to provide for a greater salary for commissioners in cities having a population of not less than 34,031 nor more than 34,200.

Also:

By Mr. Cross:

H. 8. Relating to any counties having a population of not less than 27,000 nor more than 27,900; authorizing the county commission to set an expense allowance for county officials; making the provisions of this act retroactive.

Also:

By Mr. Folmar:

H. 13. To create the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1, 2, 3, 4, 5, 6, 7, 8 and 13. To the Committee on Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

The Bill:

S. 11. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the clerk and sheriff's fee charge by the Probate Court, circuit courts, criminal and civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and cost charged by such courts in counties coming under the provisions of this act.

was taken up.

Mr. Weaver offered the following substitute for the Bill, S. B. 11, to-wit:

SUBSTITUTE FOR S. B. 11

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the Clerk and Sheriff's fees charged by the Circuit Courts, Criminal and Civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and costs charged by such courts in counties coming under the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 68,000 according to the last federal decennial census, the Judge of Probate is entitled to the following fees for the following services:

THE FOLLOWING RATES OF FEES SHALL BE CHARGED BY THE PROBATE JUDGE WHERE THERE IS NO CONTEST:

Services rendered in the incorporation of towns, paid by corporation	\$150.00
Issuing and recording marriage license rites celebrated at no additional charge	10.00
Change of Name.	10.00
Legitimation	10.00
Adoption— with or without hearing.	25.00
Sanity Inquisition	30.00
Appointing Guardian, Administrator or Executor.	3.00
Presiding in contested causes per day	25.00
Granting Orders	2.00
Issuing Orders	2.00
Granting Letters	4.00

Issuing Letters	4.00
Taking, Approving and recording bond	4.00
Examining Testimony	3.00
Examining Witness	3.00
Publication of affidavit	2.00
Examining or passing on accounts and vouchers .....	.10
Notary Commission—Total Charge	10.00
Making Decree	2.50
Filing and docketing fee .....	.50
Examining Petition per page	1.00
Certifications and Acknowledgements	1.00
Release	1.00 1st page add. Page .20 per 100 words
Release with Power of Attorney .....	.25
Recording judgment	1.00
Affidavit	1.00 1st page add. Page .20 per 100 words
Supplemental Orders	1.00
each additional order contained in final decree .....	.50
Consent Final Settlement	15.00
Additional copies of letters .....	.75
Xerox copies .....	.25/sheet
Satisfaction .....	.50
Copy of marriage record	2.00
Copy of Military Discharge	1.00
Copy of regular mortgage record	2.00 1st page add. Page .50 each.
Issuing each writ, citation, waiver of notice, and entering Sheriff's return	1.00
Guardian Ad Litem Fee	20.00
Recording	
\$1.00 per page for the first 400 words or any part thereof, .20 per 100 words for all additional.	

Section 2. The Register of all counties coming within the provisions of this are entitled to the following fees for the following services:

Relieve Minors of disabilities of non-age	12.00
Commissions on sales:	Percentage
For the first three hundred dollars	3%
For all over three hundred dollars and not exceeding two thousand dollars	2%
For all over two thousand dollars and not exceeding twenty thousand dollars	1%

For all exceeding twenty thousand dollars	½ of 1%
For receiving, keeping and paying out or distributing money, other than arising from sales.	
On the first thousand dollars	3%
On all over one thousand dollars and not over five thousand dollars	2%
On all over five thousand dollars, not exceeding ten thousand dollars	1%
And all over ten thousand dollars	½ of 1%
Receiving, keeping, and paying out money paid into court under a decree in favor of an administration ad Litem	½ of 1%
	on the amount so received and paid out.

The following rate of fees will be charged on the following divorce cases:

Answer and Waiver Divorce Case, with copies of decree	20.00
Look for Act Changing	14.00
Decree pro confesso on registered mail service, Divorce case with one copy of decree	25.00
Decree pro confesso on publication, Divorce with one copy of decree	25.00

Section 3. The Clerk of the Circuit Courts in all counties coming within the provisions of this Act are entitled to the following fees in all criminal or quasi criminal cases docketed in county courts, law and equity courts of like jurisdiction.

For each misdemeanor when the defendant pleads guilty	11.00
For each misdemeanor when the defendant pleads not guilty	12.00
For each misdemeanor case nol prossed or otherwise dismissed	10.00
For each felony case when the defendant pleads guilty	15.00
For each felony case when the defendant pleads not guilty	20.00
For each felony case nol prossed or otherwise dismissed	12.00
For preparing and certifying appeals to the supreme court or court of appeals	30.00
For each conditional judgment on a forfeiture set aside on payment of costs	7.50
For each forfeiture case after final judgment	10.00
For each misdemeanor case originating by affidavit when the defendant pleads guilty	7.50

For each misdemeanor case originating by affidavit when the defendant is tried	10.00
For each misdemeanor case originating by affidavit when the case is nol prossed or otherwise dismissed	7.50
For each misdemeanor case originating by indictment when the defendant pleads guilty	10.00
For each misdemeanor case originating by indictment when the case is tried.	12.00
For each misdemeanor case originating by indictment when the case is nol prossed or otherwise disposed of	7.50
In addition to the above cases, when the case is continued at the request of the defendant, to be charged but one time in any one case	2.00
In addition to the above costs when the case is appealed to the court of appeals, for making, indexing, and certifying transcript of appeal on record only	15.00
In addition to the above costs when the case is appealed to the court of appeals, for making, indexing, arranging and certifying court reporter's transcript of testimony	15.00
In all cases tried and appealed to the circuit court	10.00
On preliminary hearing in felony cases.	7.50
In all forfeiture cases	10.00
For filing suit in statutory or common law detinue and in ejectment.	12.00
For filing appeals from orders or decisions of the state department of industrial relations, state director of public safety or other state administrative agency	12.00
For filing settlement under workman's compensation act	12.00
For filing affidavit in garnishment of judgment, request for statement of assets or other ancillary proceedings	7.00
For filing application for habeas corpus.	10.00
For filing suit where the amount in controversy does not exceed one hundred dollars, or is not otherwise provided.	7.00
For filing suit for not less than one thousand dollars, and for all transfers or appeals to the circuit court from courts of probate	25.00
For filing suit where the amount in controversy is over one hundred dollars but not exceeding one thousand dollars, and is not otherwise provided for	12.00
For filing any petitions, summons and complaint or proceeding not otherwise provided for	12.00

For checking and including transcript of testimony in record on appeal. 15.00

Section 4. The sheriffs of all counties coming within the provisions of this act are entitled to the following fees in civil, Probate, Criminal and Equity cases in the courts of such counties:

CIVIL COURT

Serving Summons & Complaints	\$ 2.50
Serving Writ of Garnishment	2.50
Serving Notice of Garnishment	2.50
Levying Attachment	10.00
Writ Possession	10.00
Writ of Detinue	10.00
Writ of Restitution	10.00
Sci Ra	2.50/bondsman
Fi Fa	10% of Bond Cost
Other Summons	2.50
Mileage on all of above . . . . .	.20/mi.
Civil Executions	
Commission of Cost Execution	5.00
Commission on the Executions	
\$ 1.00-\$200.00	10%
\$200.00-\$500.00	7%
\$500.00-over	5%

PROBATE COURT

Serving Notice	2.50
Summons Sanity Jury	10.00
Mileage	20/mi.

CRIMINAL COURT

Search Warrant	
Day	5.00
Night	10.00
Arrest	10.00
Bond	3.00
Subpoena	4.00
Guard Fee	5.00
Fingerprints	2.00
Seizure Fee on Liquor	
1 gal-4 gal	5.00
5 gal-19 gal	10.00
20 gal-over	15.00
Mileage on arrest and/or search Seizure . . . . .	.20/mi.
Summonings jury	10.00

Serving Grand Jury or Criminal Jury	
Subpoena	1.50

EQUITY COURT

Serving Summons in Equity	2.50
Arrest Fee—Contempt	10.00
Guard	5.00
Fingerprint	2.00
Bond	3.00
Serving Writ of Garnishment	2.50
Serving Notice of Garnishment	2.50
Other Summons	2.50
Serving Witness Subpoena	1.50
Approving Bond	3.00
Pistol Permit	10.00
Mileage on all service	
Except Court Subpoenas & Jury Subpoenas . . . . .	.20/mi.

Section 5. If any section, clause or provision of this act shall be declared unconstitutional or held invalid, it shall not affect any other section, clause, or provision, but the same shall remain in full force and effect.

Section 6. All laws or parts of law which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—25

Nays:

—0

And said Bill, S. B. 11, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—25

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 16. To create a State Compensation Commission for the purpose of assisting the Legislature in ascertaining the proper salaries or compensation of constitutional state officers, members of the Legislature, and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, legislators, offices and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this Act.

E. C. FOSHEE,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 36. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn to meet again on Thurs. Jan. 30 at 4:00 P.M.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 36, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RECESS

At 11:40 A.M., on motion of Mr. Fine, the Senate took a recess until 4:40 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 7. Relative to wishing Mrs. George Corley Wallace a happy birthday.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 3. Relative to noting the retirement of Mrs. Bessie Sears Estell, and commending her for many years of competent and dedicated service in the Birmingham City School System.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Fine, the Senate adjourned until Thursday, January 30, 1975, at 10 o'clock A.M.

FOURTH LEGISLATIVE DAY

THURSDAY, JANUARY 30, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Robert J. Ostenson, Minister, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—33

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES
ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Mims and Wilson for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. NOTING THE RETIREMENT OF MRS. BESSIE SEARS ESTELL.

Also:

S. J. R. 7. WISHING MRS. GEORGE CORLEY WALLACE A HAPPY BIRTHDAY.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Barron:

H. 14. To appropriate \$25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waggoner, et al:

H. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

By Messrs. Mims, Mitchell, Givhan, Gilmore, Waldrop, Roberts, Jones, Vacca, Adams, McDonald (S), Shelby, Pearson, McDonald (A), Owen, Bank, Perloff, Ellis, Clemon, Littleton, Foshee, Fine, Powell, Stewart and Edwards:

S. 20. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employees' retirement system, and to provide for the manner of their employment and regulation of their compensation.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill, et al:

H. 15. To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositories in demand deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Vacca, Gilmore, Pearson, Ellis and Clemon:

S. 8. To name the ambulatory facility at the Medical Center of the University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

By Mr. Waggoner, et al:

H. 10. To name the ambulatory facility at the Medical Center of the University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks (with notice and proof):

H. 1. To provide a clerk for the office of the Sheriff of Marion County, Alabama, fixing the salary of said clerk and prescribing the duties of said clerk.

By Mr. Weeks (with notice and proof):

H. 2. To amend further Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge and of the court reporter of said court.

By Mr. Weeks (with notice and proof):

H. 3. To provide for an additional expense allowance for each member of the Marion County Commission.

By Messrs. Ford, Rich, Brindley and Taylor:

H. 4. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

By Messrs. Hill, Coburn and Greer:

H. 5. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide further for the compensation and expense allowances of certain county officials.

By Messrs. Hill, Coburn and Greer:

H. 6. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county commissioners of such county.

By Mr. Hill:

H. 7. Further amending Title 37, Section 73, Code of Alabama, 1940, establishing the salaries of commissioners of certain cities, so as to provide for a greater salary for commissioners in cities having a population of not less than 34,031 nor more than 34,200.

By Mr. Cross:

H. 8. Relating to any counties having a population of not less than

27,000 nor more than 27,900; authorizing the county commission to set an expense allowance for county officials; making the provisions of this act retroactive.

By Mr. Folmar:

H. 13. To create the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Albright:

H. J. R. 37. Mourning the death of Miss Mary Sue Toney.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 37, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Coburn:

H. J. R. 34. Commending the Red Bay High School Football Team for its outstanding season.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Carothers, Lee, Plaster, Whatley and Higginbotham:

H. J. R. 27. Resolution For Naming New Agricultural Experiment Station Research Center of Auburn University

WHEREAS, Dr. Edwin Virginius Smith, Dean and Director Emeritus, Auburn University School of Agriculture and Agricultural Experiment Station devoted 41 years of distinguished service to Auburn University before his retirement, and as a citizen has and is continuing to serve well his community, state, and nation, and

WHEREAS, during his long service at Auburn University he provided leadership in agriculture and research development of such quality as to inspire those with whom he was associated to give of their abilities, and

WHEREAS, Doctor Smith as a teacher, researcher, and administrator made significant contributions to agriculture in Alabama and the Nation, and made lasting impressions on Auburn students, and

WHEREAS, he served on many important state and national committees and was a member of many organizations that were influential in charting agriculture's course, and

WHEREAS, in recognition of his many years of dedication to improving agriculture in Alabama, the South, and the Nation through the research of the Alabama Agricultural Experiment Station of Auburn University the Board of Trustees of Auburn University has unanimously recommended that the new Agricultural Experiment Station Research Center being developed with funds authorized by the 1973 Session of the Alabama Legislature be named the E. V. Smith Research Center of the Agricultural Experiment Station of Auburn University.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Doctor Smith by naming the new Agricultural Experiment Station Research Center: The E. V. Smith Research Center of the Agricultural Experiment Station of Auburn University.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Doctor Smith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Robertson, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass,

Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 26. COMMENDING REPRESENTATIVE JACK HOPPING UPON HIS RETIREMENT FROM U. S. STEEL-ENSLEY WORKS AFTER 46½ YEARS OF SERVICE

WHEREAS, Representative Jack Hopping is a colleague in the Alabama Legislature representing Jefferson County; and

WHEREAS, he is a 12 year member of Eagles and Knights of Pythias; and

WHEREAS, Representative Hopping has been active in the Presbyterian Church and various charitable organizations having served two terms as president of the Birmingham Chapter of the Cystic Fibrosis Foundation; and

WHEREAS, he is a past president of Local 1489; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does wish to commend Jack Hopping for his 46½ years of service with U. S. Steel-Ensley Works, and does wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Jack Hopping and to the members of his family.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 26, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Malone, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F),

Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 28. Commending William Kaufman for his many services to his fellow citizens.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. MOURNING THE DEATH OF JAMES RAYFORD HARRINGTON

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Rayford Harrington of Alexander City on January 24, 1975; and

WHEREAS Mr. Harrington was a prominent and influential leader in the business and civic life of his city; and

WHEREAS Mr. Harrington exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Rayford Harrington and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Baker offered the following Senate Resolution, to-wit:

S. R. 10. THANKING GOVERNOR WALLACE FOR HIS STAND RELATIVE TO PROPOSED BUILDING FOR STATE OFFICES TO BE BUILT BY PRIVATE INDIVIDUALS.

WHEREAS in his address to the Organizational Session of this Alabama Legislature, Governor Wallace stated that, for several reasons, he had not signed an agreement relative to a proposed plan under which the State was to enter into a lease-purchase contract for the construction by private persons of a state office building near the Capitol; and

WHEREAS among the good and valid reasons assigned by the Governor for this action, was the fact that he felt that plans for a building of this type and magnitude should be considered and studied by the Legislature before any ultimate decision is made for the State entering an agreement requiring such a tremendous expenditure of State funds over such a long period; and

WHEREAS another question which arises in this connection and which the Governor said should be determined by the whole Legislature is whether or not it would be advantageous to the State to build its own building in the Capitol Complex in keeping with the design of buildings now existing in such complex instead of entering a lease-purchase contract with individuals or private corporations for such a building several blocks away from the Capitol; and

WHEREAS in his address, Governor Wallace specifically asked this body for its opinion in this matter; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That this body deeply appreciates the deference shown the Legislature in this address of the Governor's and heartily proclaims its support of the Governor's stand in this matter.

BE IT FURTHER RESOLVED That we commend the Governor for his refusal to sign the proposed agreement and hereby pledge our full support, as the official law-making body of the State and as individuals, to Governor Wallace in sustaining the Legislature's right to determine all matters involving State expenditures of great magnitude and long-term effect.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 10. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance

by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof", so as to provide further for the use and distribution of the bond proceeds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 10, to-wit:

AMENDMENT TO S. B. 10

Amend S. B. 10 as follows:

I. Delete in their entirety the fourth and fifth unnumbered paragraphs following paragraph (3) of sub-section (c) of Section numbered 8 in Section 1 of the bill (relating respectively to the allocations to Butler County Board of Education and Crenshaw County Board of Education.)

II. Amend sub-section (d) of Section 8 in Section 1 of the bill as follows:

(i) Delete the words and figures "Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) where those words and figures appear together as the opening words and figures of said sub-section (d) and substitute in lieu thereof the words and figures "One Million Seven Hundred Thousand Dollars (\$1,700,000)."

(ii) Delete line (3) of said sub-section (d) relating to Crenshaw County and renumber the remaining lines so that the same shall be numbered successively from (1) to (7), inclusive.

III. Amend sub-section (f) of Section 8 in Section 1 of the bill so the said sub-section (f) shall read in its entirety as follows:

(f) Four Hundred Fifty Thousand Dollars (\$450,000) to be distributed to the Board of Education of the City of Gadsden to be used (i) to pay the principal of any obligations incurred by the said board in the replacement or restoration and equipment of the Gadsden High School which has been destroyed by fire, and (ii) to the extent not necessary for that purpose, to be expended for capitol improvements for public educational purposes as a part of the City of Gadsden Public School System.

IV. Add the following sub-section (g) at the end of Section 8 in Section 1 of the bill so that the said sub-section (g) will be at the end of said Section 8 and shall read as follows:

(g) One Hundred Thousand Dollars (\$100,000) to be distributed to the Board of Education of Crenshaw County to be used (i) to pay principal of any obligations incurred by the said board in the replacement or restoration of or equipment for Highland Home which has been destroyed by fire, and (ii) to the extent not necessary for that purpose, to be extended

for capitol improvements for public educational purposes as a part of the Crenshaw County Public School System.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—26

Nays:

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And said Bill, S. B. 10, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—26

Nays:

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At the request of Messrs. Mitchell and Powell, their names were added as co-sponsors of the above Bill.

The Bill:

S. 13. To provide salary increases for certain state employees; and to appropriate funds therefor.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 2.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—29

Nays:

Messrs. Baker, Clemon.

—2

The Bill:

S. 17. Proposing an amendent to the Constitution of Alabama

providing for and regulating the length of annual and special sessions of the Legislature.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—29

Nays:

—0

BILL RE-REFERRED

Mr. Flippo moved that the Bill, S. B. 15, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 15, re-referred to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 18. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Chief Examiner of the Examiners of Public Accounts to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge

such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 4.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Weaver.

—25

Nays:

Messrs. Edwards, Jones, Little, Stewart.

—4

At the request of Mr. Ellis, his name was added as co-sponsor of the above Bill.

The Bill:

S. 19. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 [Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56)], as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Weaver.

—28

Nays:

—0

At the request of Mr. Powell, his name was added as co-sponsor of the above Bill.

RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the Legislature adjourns today it adjourn to meet again on Friday, January 31, and that when it adjourns on Friday, it adjourn to meet again on Saturday, February 1, and that when it adjourns on Saturday, it adjourn to meet again on Monday, February 3, and when it adjourns on Monday, it adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 11:15 A.M., on motion of Mr. Fine, the Senate took a recess until 4:00 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. GIVING INSTRUCTIONS TO THE JOINT INTERIM ECONOMIC STABILITY STUDY COMMITTEE TO STUDY VARIOUS PROBLEMS IN REGARD TO HOME MORTGAGE LOANS IN ALABAMA.

WHEREAS there are considerable problems facing the people in the home construction industry and in the ability of private citizens to secure home mortgage loans; and

WHEREAS there is an immediate and pressing need to study this area of our economy; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim economic stability study committee created under the provisions of Senate Joint Resolution 15 of the Organizational Session of 1975 is hereby instructed to commence immediately an in-depth study in regard to the interest rates charged on home mortgage loans in Alabama and the availability of money in the money market for making such loans. This committee is further instructed to seek input and testimony from persons engaged in the home construction industry, from carpenters, bricklayers, plumbers and people who earn their livelihood in the home construction industry, with particular emphasis to determine the extent of the recession or depression now existing in said industry. They shall further seek information and testimony from people engaged in the field of financing home mortgage loans and information from people who have tried to secure home mortgage loans in recent months.

Said committee is further instructed to report back to this Legislature

its findings, information, data and recommendations upon the completion of said study.

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:10 P.M., on motion of Mr. Fine, the Senate adjourned until Friday, January 31, 1975, at 10 o'clock A.M.

FIFTH LEGISLATIVE DAY

FRIDAY, JANUARY 31, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend James E. Jones, Minister, Eastern Hills Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—34

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Torbert for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 12. COMMENDING SOUTHSIDE HIGH SCHOOL BASKETBALL TEAM FOR WINNING 1975 ETOWAH COUNTY TOURNAMENT.

Also:

H. J. R. 13. COMMENDING THE SAND ROCK "B" TEAM AND JUNIOR HIGH TEAM FOR WINNING THE 1975 CHEROKEE COUNTY BASKETBALL TOURNAMENT.

Also:

H. J. R. 14. COMMENDING THE SPRING GARDEN HIGH SCHOOL FOR WINNING THE 1975 CHEROKEE COUNTY BASKETBALL TOURNAMENT.

Also:

H. J. R. 15. Expressing the regret of the Legislature upon the death of Carl Heston Dial, the father of Representative Gerald Dial.

Also:

H. J. R. 17. MOURNING THE DEATH OF JAMES RAYFORD HARRINGTON.

Also:

H. J. R. 19. COMMENDING THE SOUTH MONTGOMERY ACADEMY FOOTBALL TEAM FOR ITS FINE SEASON.

Also:

H. J. R. 20. COMMENDING THE MONTGOMERY HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE CENTRAL ALABAMA CONFERENCE TITLE.

Also:

H. J. R. 22. MOURNING THE DEATH OF WILLIAM F. (BILL) ANDERSON.

Also:

H. J. R. 23. Complimenting Miss Diane Eddins upon being chosen Alabama Junior Miss for 1975.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. WISHING HAPPY BIRTHDAY TO ANNIE BELL DENNIS

WHEREAS, Annie Bell Dennis of Clayton celebrated her 65th birthday on January 30th; and

WHEREAS, Mrs. Dennis has been an indispensable employee and friend of Lt. Governor Jere Beasley's family for over 50 years; and

WHEREAS, she has served her adopted family and her community with great loyalty and devotion; now, therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish for Annie Bell Dennis a belated happy birthday, and many more years of health and happiness.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Annie Bell Dennis and to Sara Beasley.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

H. J. R. 43. Commending the Charles Henderson High School Marching Band on being chosen the Governor's representative and ambassador from the state of Alabama to the DeSoto Marching Band Festival.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Rules were suspended and the Resolution, H. J. R. 43, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Starkey:

H. J. R. 38. Commending J. H. Wheeler for his service as a teacher, principal, and superintendent of education in Jackson County.

Also:

By Messrs. Rich, Ford, Taylor, Jolly, Quarles and Brindley:

H. J. R. 39. Mourning death of James Kilgo.

Also:

By Messrs. Gafford and Falkenburg:

H. J. R. 40. Condemning Justice Embry's chair.

Also:

By Mrs. Quarles:

H. J. R. 42. Commending Roy and Vera B. Gibson for service rendered the education system in St. Clair County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Rules were suspended and the Resolutions, H. J. R.'s 38, 39 and 42, the titles of which are set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 40, the title of which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 41. WHEREAS, the conditions prevail in the state prison system whereby conditions are extremely overcrowded; and

WHEREAS, such conditions are an open invitation to riots which could result in losses of lives and property; and

WHEREAS, it would appear to be in the best interest of the people of the state of Alabama and inmates of the different prisons that the Pardon and Parole Board study very carefully the record and conduct of every person incarcerated in the state of Alabama;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Pardon and Parole Board carefully examine the record of every inmate under their jurisdiction and that the Pardon and Parole Board file a written report with the Legislature of Alabama stating as follows:

1. The number of inmates in each correctional institution.
2. The maximum number each institution was constructed to accommodate.
3. The number and percentage of each institution which has been placed on parole during each of the last six years.
 - (a) If a decrease in the number of paroles granted, please explain why.
 - (b) The number of inmates in each county and/or city jails awaiting transit to state correctional institutions and

- (1) the length of time they have been there and
 - (2) estimate as to date each is expected to be transferred to a correctional institution.
 - (c) Breakdown as to offense of which each is convicted and length of time each is given for same offense.
 - (d) Number of inmates incarcerated for parole violation including what the parole violation was.
4. The length of time which elapses from the time an inmate comes under board supervision until he is interviewed by the board, the purpose of such interview, the length of time which elapses until the next interview and the purposes of such interviews.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Pardon and Parole Board for immediate action.

BE IT FURTHER RESOLVED, That said board shall file a written report with the Legislature of Alabama no later than May 1, 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 41, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 9. Relative to Mourning the death of James Rayford Harrington.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Edwards, Lockett and Campbell:

H. J. R. 48. Mourning the death of William J. Neighbors.

Also:

By Mr. McCulley:

H. J. R. 49. Commending Mr. Ray Coker upon his retirement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Messrs. Mitchell and Givhan, the Rules were suspended and the Resolution, H. J. R. 48, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 49, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Manley and Campbell:

H. J. R. 46. Mourning the death of Judson C. Locke, Sr.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Messrs. Mitchell and Givhan, the Rules were suspended and the Resolution, H. J. R. 46, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes:

H. J. R. 44. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO ENACT LEGISLATION THAT WILL PROVIDE MORE EFFICIENT POSTAL SERVICE IN THIS STATE.

WHEREAS the postal service in this state seems to have degenerated within recent times; and

WHEREAS it sometimes takes mail two days or longer to go from one side of a town to the other; and

WHEREAS it would appear that the mail was far speedier and more efficient in the days when a postage stamp cost three cents as opposed to today's ten cents for a first class letter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do memorialize the Alabama Congressional Delegation to do all in their power to seek speedier and more efficient mail service for this state.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to send copies of this resolution to each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 44, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Baker and Whatley:

H. 18. To provide an additional expense allowance for the District Attorney of the Twenty-Sixth Judicial Circuit of Alabama.

Also:

By Messrs. Baker and Whatley:

H. 19. To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 18 and 19. To the Committee on Local Legislation No. 1.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 12. Giving Instructions to the Joint Interim Economic Stability Study Committee to Study Various Problems in Regard to Home Mortgage Loans in Alabama.

On motion of Mr. Owen, said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 47. GIVING INSTRUCTIONS TO THE JOINT

**INTERIM ECONOMIC STABILITY STUDY COMMITTEE TO STUDY
VARIOUS PROBLEMS IN REGARD TO HOME MORTGAGE LOANS
IN ALABAMA.**

WHEREAS there are considerable problems facing the people in the home construction industry and in the ability of private citizens to secure home mortgage loans; and

WHEREAS there is an immediate and pressing need to study this area of our economy; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim economic stability study committee created under the provisions of Senate Joint Resolution 15 of the Organizational Session of 1975 is hereby instructed to commence immediately an in-depth study in regard to the interest rates charged on home mortgage loans in Alabama and the availability of money in the money market for making such loans. This committee is further instructed to seek input and testimony from persons engaged in the home construction industry, from carpenters, bricklayers, plumbers and people who earn their livelihood in the home construction industry, with particular emphasis to determine the extent of the recession or depression now existing in said industry. They shall further seek information and testimony from people engaged in the field of financing home mortgage loans and information from people who have tried to secure home mortgage loans in recent months.

Said committee is further instructed to report back to this Legislature its findings, information, data and recommendations upon the completion of said study.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 47, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 11. Relative to adjournment of the two Houses.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 11, to-wit:

SUBSTITUTE FOR S. J. R. 11

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the Legislature adjourns today it adjourn to meet again on Friday, January 31, and that when it adjourns on Friday, it adjourn to meet again on Monday, February 3, and when it adjourns on Monday, it adjourn sine die.

Mr. Roberts offered the following substitute for the Rules Committee substitute for the Resolution, S. J. R. 11, to-wit:

SUBSTITUTE FOR RULES SUBSTITUTE FOR S. J. R. 11

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the Legislature adjourns today, January 31, 1975, it will adjourn sine die.

Mr. Jones moved that the Roberts substitute for the Rules Committee substitute be laid on the table, which motion was lost.

Yeas 7; Nays 27.

Yeas:

Messrs. Fine, Foshee, Gilmore, Jones, Littleton, Powell, St. John. —7

Nays:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—27

The question was then on the substitute offered by Mr. Roberts for the Rules Committee substitute, which was adopted.

And said Resolution, S. J. R. 11, as thus amended by the substitute, was then adopted by the Senate.

RESOLUTION

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 14. RESOLVED BY THE SENATE That the following Bill shall be the paramount and continuing order of business, upon reaching bills on third reading, for the fifth Legislative Day only:

H. B. 15.

On motion of Mr. Foshee, said Resolution was then adopted by the Senate.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 21. Creating an Interim Committee to conduct a study of the Merit system.

Mr. Jones offered the following amendment to the Resolution, H. J. R. 21, to-wit:

AMENDMENT TO H. J. R. 21

Amend H. J. R. 21 by striking the word "three" on line 6 and add in lieu thereof the word "four".

Which was adopted.

And said Resolution, H. J. R. 21, as thus amended, was then lost.

Yeas 13; Nays 20.

Yeas:

Messrs. Bank, Fine, Foshee, Jones, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Powell, Shelby, Vacca.

—13

Nays:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Flippo, Givhan, King, Little, McDonald (A), McDonald (S), Noonan, Perloff, Perry, Roberts, St. John, Stewart, Waldrop, Weaver, Wilson.

—20

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 5. Relating to Alabama Public Television Network relicensing.

On motion of Mr. Foshee, said Resolution was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the Special Order for today, which was the Bill:

H. 15. To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositories in demand deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

Mr. Littleton offered the following amendment to the Bill, H. B. 15, to-wit:

AMENDMENT TO H. B. 15

In Section 1 strike out the second and third from the last sentences of Section 3 of Act No. 3, H. 64, 1967 Regular Session which reads as follows:

“The State Treasurer shall place such projected amount in demand deposit in banks designated as state depositories. All funds in excess of this amount shall be deposited in banks designated as state depositories in time deposit, open account.”

And substitute in lieu thereof the following:

The State Treasurer shall place such projected amount in demand

deposit in designated state depositories. All funds in excess of this amount shall be deposited in designated state depositories in time deposit, open account.

Which was adopted.

Yeas 30; Nays 1.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—30

Nay:

Mr. Adams.

—1

Mr. Stewart offered the following amendment to the Bill, H. B. 15, as amended, to-wit:

SENATE AMENDMENT TO H. B. NO. 15, AS AMENDED

In Section 2 of H. B. 15 strike that paragraph which reads as follows:

“Section 4. The State Treasurer is authorized to execute contracts with the state depositories covering time deposit, open account, provided that no funds may be withdrawn from said account except upon thirty (30) days notice in writing or for the minimum period of time prescribed by applicable banking regulations then in force and effect. The annual rate of interest on time deposit, open account, shall be the average for the most recent four (4) weeks of the prices of the ninety-one (91) day United States treasury bill auction, provided, however, the rate shall not exceed the maximum permitted by applicable banking regulations.”

And substitute in lieu thereof the following:

“Section 4. The State Treasurer is authorized to execute contracts with the state depositories covering time deposit, open account, provided that no funds may be withdrawn from said account except upon thirty (30) days notice in writing or for the minimum period of time prescribed by applicable banking regulations then in force and effect. Said contracts shall be executed by the State Treasurer under the following terms and conditions:

(a) The State Treasurer shall negotiate on a bid basis, at whatever rate the market will bear, contracts with state depositories for the placement of state funds.

(b) The State Treasurer shall not accept a bid from any state depository that provides for payment of interest at a rate less than the average rate for the most recent four (4) weeks of the prices of the ninety-one (91) day United States Treasury bill auction, provided, however, the rate shall not exceed the maximum permitted by applicable banking regulations.

(c) The amount of the total deposits of public funds in one designated state depository shall not exceed ten (10) percent of such

depositories total deposits or the capital, surplus, and undivided profits of any such depository, or twenty-five million (\$25,000,000) dollars, whichever is the lesser of the two sums."

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 26; Nays 7.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Vacca, Waldrop, Weaver, Wilson.

—26

Nays:

Messrs. Clemon, McDonald (S), McMillan, Roberts, St. John, Shelby, Stewart.

—7

Mr. Stewart then offered the following amendment to the Bill, H. B. 15, as amended, to-wit:

SENATE AMENDMENT TO H. B. No. 15, AS AMENDED

Amend H. B. No. 15 by inserting on page 2 in the quoted Section 4 in the 6th line between the words "shall" and the word "the" the following words: not be less than.

On motion of Mr. Owen, said amendment was laid on the table.

And said Bill, H. B. 15, as thus amended, was then read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—34

Nays:

—0

RESOLUTION

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. TO ALLOW THE SENATE STATE GOVERNMENT COMMITTEE TO STUDY THE STATE MERIT SYSTEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Senate State Government Committee is hereby authorized to make an in depth study of the state merit system.

It shall be the duty of the Committee to conduct an in depth study of the operation of the state's merit system including, but not limited to, the problems of state employees and their compensation. Members of the committee shall receive their regular legislative pay and expense on any day they meet. All such pay and expense of the committee shall be paid out of any funds appropriated to the use of the legislature.

The committee shall report its finding, conclusion and recommendations to the legislature at any time not later than the fifth legislative day of the next regular session.

Which was read and referred to the Standing Committee on Rules.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Givhan, further consideration of the Bill, S. B. 14, was indefinitely postponed by the Senate.

On motion of Mr. Fine, further consideration of the Bills, S. B.'s 8 and 20, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—28

Nays:

—0

The Bill:

H. 14. To appropriate \$25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Owen, Pearson, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Weaver.

—24

Nays:

—0

The Bill:

H. 10. To name the ambulatory facility at the Medical Center of the University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

Nays:

—0

The Bill:

H. 6. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county commissioners of such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 5. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide further for the compensation and expense allowances of certain county officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Flipppo, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 4. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Vacca, Waldrop, Weaver.

—25

Nays:

—0

RESOLUTION

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. MOURNING THE DEATH OF FRANCIS ALEX COLLIER

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Francis Alex Collier of Morgan County; and

WHEREAS Francis Alex Collier served for 18 years as a member of the Morgan County Board of Education; and

WHEREAS these 18 years were the time of the most rapid growth and outstanding progress ever achieved by the Morgan County school system; and

WHEREAS an impressive example of this progress is the new Albert P. Brewer High School, for which Mr. Collier was the major planner; and

WHEREAS Francis Alex Collier's inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary to his position, made his services particularly valuable; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Francis Alex Collier and express our deep and sincere sympathy to his

daughter, Mrs. Ann White, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 3. To provide for an additional expense allowance for each member of the Marion County Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Fine, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 2. To amend further Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge and of the court reporter of said court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 1. To provide a clerk for the office of the Sheriff of Marion County, Alabama, fixing the salary of said clerk and prescribing the duties of said clerk.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan,

Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 7. Further amending Title 37, Section 73, Code of Alabama, 1940, establishing the salaries of commissioners of certain cities, so as to provide for a greater salary for commissioners in cities having a population of not less than 34,031 nor more than 34,200.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 8. Relating to any counties having a population of not less than 27,000 nor more than 27,900; authorizing the county commission to set an expense allowance for county officials; making the provisions of this act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 13. To create the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton,

McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

RECESS

At 12 o'clock Noon, on motion of Mr. Fine, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 15. To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositories in demand deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 5. Relative to Alabama Public Television Network relicensing.

Also:

S. J. R. 12. Relative to giving instructions to the Joint Interim Economic Stability Study Committee to study various problems in regard to home mortgage loans in Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 11. Relative to adjournment.

Also:

S. J. R. 13. Relative to wishing Happy Birthday to Annie Bell Dennis.

Also:

S. J. R. 16. Relative to mourning the death of Francis Alex Collier.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 2. To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Also:

S. 7. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Also:

S. 11. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the Clerk and Sheriff's fees charged by the Circuit Courts, Criminal and Civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and costs charged by such courts in counties coming under the provisions of this act.

Also:

S. 12. To amend Act No. 240, H. 627, as amended, approved July 29, 1947, (Local Acts of 1947, P. 165) entitled, "An Act to authorize and require The County Commission of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 3. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Senate non-concurred in the following House amendment to the Bill, S. B. 3, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 3

Amend Senate Bill 3 in Section 4 by adding the following sentence to the end of said Section 4, viz:

"The provisions of this Act shall terminate and become null and void on June 1, 1975."

And requested a Committee on Conference.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart.

—26

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. St. John, Flipppo and Owen.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 15. To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositories in demand deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 26. COMMENDING REPRESENTATIVE JACK HOPPING UPON HIS RETIREMENT FROM U.S. STEEL-ENSLEY WORKS AFTER 46½ YEARS OF SERVICE.

Also:

H. J. R. 27. Naming New Agricultural Experiment Station Research Center of Auburn University.

Also:

H. J. R. 28. Commending William Kaufman for his many services to his fellow citizens.

Also:

H. J. R. 34. COMMENDING THE RED BAY HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 37. MOURNING THE DEATH OF MISS MARY SUE TONEY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1. To provide a clerk for the office of the Sheriff of Marion County, Alabama, fixing the salary of said clerk and prescribing the duties of said clerk.

Also:

H. 2. To amend further Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge and of the court reporter of said court.

Also:

H. 3. To provide for an additional expense allowance for each member of the Marion County Commission.

Also:

H. 4. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Also:

H. 5. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide further for the compensation and expense allowances of certain county officials.

Also:

H. 6. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county commissioners of such county.

Also:

H. 7. Further amending Title 37, Section 73, Code of Alabama, 1940, establishing the salaries of commissioners of certain cities, so as to provide for a greater salary for commissioners in cities having a population of not less than 34,031 nor more than 34,200.

Also:

H. 8. Relating to any counties having a population of not less than 27,000 nor more than 27,900; authorizing the county commission to set an expense allowance for county officials; making the provisions of this act retroactive.

Also:

H. 9. To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

Also:

H. 10. To name the ambulatory facility at the Medical Center of the

University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

Also:

H. 13. To create the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

Also:

H. 14. To appropriate \$25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 38. COMMENDING J. H. WHEELER FOR HIS SERVICE AS A TEACHER, PRINCIPAL, AND SUPERINTENDENT OF EDUCATION IN JACKSON COUNTY.

Also:

H. J. R. 39. MOURNING DEATH OF JAMES KILGO.

Also:

H. J. R. 42. COMMENDING ROY AND VERA B. GIBSON FOR SERVICE RENDERED THE EDUCATION SYSTEM IN ST. CLAIR COUNTY.

Also:

H. J. R. 43. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL MARCHING BAND ON BEING CHOSEN THE GOVERNOR'S REPRESENTATIVE AND AMBASSADOR FROM THE STATE OF ALABAMA TO THE DESOTO MARCHING BAND FESTIVAL.

Also:

H. J. R. 44. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO ENACT LEGISLATION THAT

WILL PROVIDE MORE EFFICIENT POSTAL SERVICE IN THIS STATE.

Also:

H. J. R. 46. MOURNING THE DEATH OF JUDSON C. LOCKE, SR.

Also:

H. J. R. 48. Mourning the death of William J. Neighbors.

Also:

H. J. R. 49. COMMENDING MR. RAY COKER UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Plaster, Edwards and Lockett:

H. J. R. 58. Mourning the death of Joe Durden.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchell, the Rules were suspended and the Resolution, H. J. R. 58, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Folmar, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard,

Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 57. RECOGNIZING L. GARDNER BASSETT UPON HIS RETIREMENT FROM THE LEGISLATURE OF ALABAMA.

WHEREAS, our beloved former colleague, L. Gardner Bassett, served this state for 24 years with profound dedication as a member of the House of Representatives from Pike County; and

WHEREAS, L. Gardner Bassett served on all major committees in the House of Representatives; and

WHEREAS, L. Gardner Bassett is a devoted community builder who served his people with great love and dedication; and

WHEREAS, it has been noted that L. Gardner Bassett's devotion to the protection of the democratic processes here in Alabama caused him never to miss a roll call during 22 years of service in the House of Representatives; and

WHEREAS, his desire to serve was based on an interest in bettering conditions in his legislative district, in the state in general, and on the personal satisfaction he derived from serving his fellowman; and

WHEREAS, we shall miss the close association with this great leader whom we have long admired and respected and have been proud to call our colleague and friend throughout many years of association; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who has made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends L. Gardner Bassett for his constant enthusiasm in adhering to the principle of government of the people, by the people and for the people as exemplary conduct to be emulated by all members of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Perry, the Rules were suspended and the Resolution, H. J. R. 57, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C), Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 55. MEMORIALIZING COL. E. C. DOTHARD, THE DEPARTMENT OF PUBLIC SAFETY AND THE PEOPLE OF ALABAMA FOR THEIR COMBINED EFFORTS IN MAKING LAST WEEKEND THE FIRST FATALITY-FREE WEEKEND ON ALABAMA'S RURAL HIGHWAYS SINCE 1967.

WHEREAS Col. E. C. Dothard of the Alabama Department of Public Safety has distinguished himself as a trooper, as a body guard for our Honorable Governor and as a public administrator; and

WHEREAS the dedicated employees of the Department of Public Safety have, since the inception of that department, provided services above and beyond the call of duty; and

WHEREAS the people of Alabama have become more accident conscious and law abiding in their driving habits; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the people of this great state hereby express their grateful appreciation to Col. Dothard and the Department of Public Safety for their efforts in making last weekend the first fatality-free weekend on Alabama's rural highways since 1967 and hereby pledge their cooperation and support for the continuation of this record.

RESOLVED FURTHER, That a copy of this resolution be sent to the Department of Public Safety.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C) and Holley:

H. J. R. 54. Commending the University of Montevallo for winning the Magic City Classic Basketball Tournament.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McNees, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 52. Mourning the death of Mr. Raymond Albright.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Rules were suspended and the Resolution, H. J. R. 52, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Riddick, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 51. Regretting the illness of Representative Richard Gregg.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Waggoner, Lockett and Biddle:

H. J. R. 53. Urging the resumption of intercollegiate athletic activities between Birmingham Southern College and Samford University

WHEREAS, the State of Alabama and Jefferson County are blessed by having within their boundaries two highly regarded private institutions of higher learning which have equally illustrious histories in the field of intercollegiate athletics, and

WHEREAS, these two great institutions, Birmingham Southern College and Samford University, first engaged in intercollegiate sports back in the year of 1919 when they played each other in football, basketball and baseball, and

WHEREAS, the two said institutions continued to play each other in football until Birmingham Southern College gave up football in 1939, and baseball until Samford University gave up the sport some years later and in basketball until the series was terminated in 1957, and

WHEREAS, both schools still participate in intercollegiate basketball but do not schedule games with each other, and

WHEREAS, the resumption of intercollegiate basketball between these two institutions would help to increase the growing interest in

basketball in this state, would provide many hours of entertainment for students, alumni and sports fans, and will renew a time-honored and historic rivalry between two great institutions, NOW THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that this body go on record as urging these two great institutions to resume intercollegiate athletic activities with each other.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Dr. Leslie Wright, Coach Ron Harris, and the Board of Trustees of Samford University; and to Dr. Ralph Tanner, Coach Murray Arnold, and the Board of Trustees of Birmingham Southern College.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 53, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 50. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 50, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Robertson, Callahan, Jackson (F), Crawford, Holley, Weeks and Carter:

H. 20. To provide salary increases for certain state employees; and to appropriate funds therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 20. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Campbell, Lockett, Quarles, Morris, Teague, Dial, Killian, Whatley, Turnham, Carothers and Smith (C):

H. J. R. 59. Commending the Judson College Girls Basketball Team on their resounding victory over the University of Alabama girls team.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Givhan, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes:

H. J. R. 45. MEMORIALIZING SENATOR JOHN SPARKMAN FOR BEING SELECTED CHAIRMAN OF THE FOREIGN RELATIONS COMMITTEE

WHEREAS Alabama is indeed very fortunate to be represented in the Senate of the Congress of the United States by Senator John Sparkman.

WHEREAS Senator Sparkman of Huntsville was elected to Congress as a member of the House of Representatives in November 1936, and was subsequently re-elected for five successive terms during which time he served with notable distinction. In November 1946, he was elected to the Senate and has been re-elected to that body for each successive term. His outstanding abilities of leadership and devotion to the principles of democracy earned him a position on the 1952 Democratic ticket as candidate for Vice-President of the United States; and

WHEREAS Senator Sparkman's long tenure of service and devotion to duty have gained him such respect from his colleagues as to place him in one of the most influential and powerful positions in the Senate; Chairman of the Foreign Relations Committee; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this state commends

Senator Sparkman on his being selected as Chairman of the Foreign Relations Committee; and

BE IT FURTHER RESOLVED That this State and Legislature support Senator Sparkman's objectives as Chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 45, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. NAMING HOUSE BILL 15

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That House Bill 15, removing the limits on the interest rate received on funds on time deposit in state depositories from the minimum of 4% and maximum of 6% and providing for an applicable interest rate to be ascertained by the average rate of interest for the most recent four (4) weeks of the prices of the ninety-one (91) day United States Treasury bill auction, be and the same is hereby known as the "Little-Merrill Bill", in honor of Senator Little and Representative Merrill.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 2:30 P.M., on motion of Mr. Mitchell, the Senate took a recess until 3 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

POINT OF PERSONAL PRIVILEGE

Mr. Mims announced that had he been present on the final passage of S. B. 13 on the Fourth Legislative Day, he would have voted "Aye".

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 3. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the Legislature.

And the Speaker of the House has appointed as Conferees on part of the House Messrs. Kinsey, Jackson (F) and Merrill.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 5. Relating to Alabama Public Television Network relicensing.

Also:

S. J. R. 9. Mourning the death of James Rayford Harrington.

Also:

S. J. R. 12. Instructing the Joint Interim Economic Stability Study Committee to study problems in regard to home mortgage loans in Alabama.

Also:

S. J. R. 13. Wishing Happy Birthday to Annie Bell Dennis.

Also:

S. J. R. 16. Mourning the death of Francis Alex Collier.

Also:

S. 2. To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Also:

S. 7. To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Also:

S. 11. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the Clerk and Sheriff's fees charged by the Circuit Courts, Criminal and Civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and costs charged by such courts in counties coming under the provisions of this act.

Also:

S. 12. To amend Act No. 240, H. 627, as amended, approved July 29, 1947, (Local Acts of 1947, P. 165) entitled, "An Act to authorize and require The County Commission of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said act.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 51. Regretting the illness of Representative Richard Gregg.

Also:

H. J. R. 52. Mourning the death of Mr. Raymond Albright.

Also:

H. J. R. 54. Commending the University of Montevallo for Winning the Magic City Classic Basketball Tournament.

Also:

H. J. R. 55. Memorializing Col. E. C. Dothard, the Department of Public Safety and the people of Alabama for the first fatality-free weekend on Alabama's rural highways since 1967.

Also:

H. J. R. 57. Recognizing L. Gardner Bassett upon his retirement from the Legislature of Alabama.

Also:

H. J. R. 58. Mourning the death of Joe Durden.

Also:

H. J. R. 59. COMMENDING THE JUDSON COLLEGE GIRLS BASKETBALL TEAM ON THEIR RESOUNDING VICTORY OVER THE UNIVERSITY OF ALABAMA GIRLS TEAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON CONFERENCE ON SENATE BILL 3

We, the committee of conference appointed to reconcile the differences between the two houses concerning the bill, S. B. 3, have met and considered the matter referred and beg leave to report as follows:

Amend Section 2 by adding the following proviso to the end of the first sentence of said Section 2, viz:

, provided, however, that their powers and duties shall not extend beyond 15 miles from the State Capitol.

Further amend by striking the last two sentences in Section 1. a.

Further amend in Section 1. b. by adding a period after the word "Lieutenant", and deleting the remainder of said subsection.

And amend by striking the amendment.

FINIS ST. JOHN
Chairman

L. D. OWEN JR.

R. G. FLIPPO
Conferees on the part of the Senate

HUGH D. MERRILL

FRANK JACKSON

DANIEL L. KINSEY
Conferees on the part of the House

CONFERENCE REPORT

Mr. St. John moved that the Senate concur in the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 3. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the Legislature.

Mr. Baker moved as a substitute motion that the Senate non-concur in the Report of the Committee on Conference and appoint a new Conference Committee.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and

House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 8

S. J. R. 3

S. J. R. 7

Delivered to the Governor, January 30, 1975, at 4:25 P.M.

S. J. R. 9

S. B. 2

S. B. 7

S. B. 11

S. B. 12

S. J. R. 5

S. J. R. 12

S. J. R. 13

S. J. R. 16

Delivered to the Governor, January 31, 1975, at 2:25 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fourth and Fifth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journals of the Senate for the Fourth and Fifth Legislative Days were approved by the Senate.

ADJOURNMENT

At 3:45 P.M., on motion of Mr. Baker, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ Jere Beasley
Lieutenant Governor and President
and Presiding Officer of the Senate

ATTEST:

/s/ McDowell Lee
Secretary of Senate

LEGISLATIVE DAYS
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JANUARY 27, 1975—JANUARY 31, 1975

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA

SECOND
EXTRAORDINARY
SESSION OF 1975

HELD IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, MARCH 3, 1975



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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JOURNAL
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SENATE
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STATE OF ALABAMA
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SESSION OF 1975

FIRST LEGISLATIVE DAY

MONDAY, MARCH 3, 1975

BE IT REMEMBERED, that on the 28th day of February, A. D., 1975, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, the inflationary increase in the cost of living has brought hardship upon all our citizens, but the economic stress is particularly severe for the large number of our unemployed workers; and

WHEREAS, the rate of insured unemployment in Alabama has more than doubled during the last twelve months and has risen from 2.4% in September, 1974, to 8.4% in January, 1975; and

WHEREAS, payments to the insured unemployed amount to approximately 3½ million dollars per week compared to approximately 1 million dollars per week in January, 1974, and the balance in the Unemployment Trust Fund, from which these benefits are paid, fell some 20 million dollars between September 30, 1974, and January 31, 1975; and

WHEREAS, many of our insured unemployed have no other income except their unemployment compensation which is inadequate for the necessities of their lives and of their families; and

WHEREAS, there exist these extraordinary and special circumstances which compel and demand the convening of the Legislature of Alabama in an extraordinary session as prescribed by Section 122 of the Constitution of the State of Alabama of 1901, in the public interest and for the public good.

NOW, THEREFORE, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at six o'clock p. m. on the 3d day of March, 1975, and I do designate the following subject and matter to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to amend Title 26, Chapter 4, Code of Alabama, 1940 as amended, relating to Unemployment Compensation so as to increase the

maximum weekly benefit from a maximum of seventy-five dollars to a maximum of ninety dollars; and to provide for the continued solvency of the Unemployment Compensation Trust Fund.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and caused the Secretary of State to attest this Proclamation at the Capitol in the City of Montgomery, on the 28th day of February, 1975.

GEORGE C. WALLACE,
Governor.

Attest:

AGNES BAGGETT
Secretary of State

Pursuant to such proclamation, at the hour of 6 o'clock P.M. on Monday, March 3, 1975, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Jere Beasley, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Michael McGuiness, Pastor, St. Peter's Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

—30

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Clemon, Givhan, Baker, Stewart and Perloff for today.

RESOLUTIONS

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 1. BE IT RESOLVED BY THE SENATE That that part of Senate Rule 2, which states "the Senate shall meet at 12 o'clock noon on the first day of any organizational, special, or regular session", shall be suspended for this special session only.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a Committee of three

members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate Messrs. Wilson, Foshee and Pearson.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 3rd day of March, 1975.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I welcome you into this extraordinary session for the purpose of acting upon legislation to meet the increasing needs of many of our insured unemployed workers.

As many of you know from having talked with me personally, with the Directors of Labor and Industrial Relations, and with leaders of labor and management, the rate of insured unemployment has more than doubled during the last year. Indeed, since September, 1974, to January, 1975, the rate has climbed from 2.4% to 8.4%. During this same period, the Unemployment Trust Fund has diminished some 20 million dollars—with weekly payments going out at a rate over three times more than a year ago.

You are no doubt painfully aware, as I am, of the urgent need for these benefits by the workers and families of workers who are unemployed. The legislation I am proposing will help meet that need.

Simply stated, my proposed legislation will increase the maximum benefits from 75 dollars per week to 90 dollars per week for those so entitled. This increase will go a long way toward paying some of the added living expenses placed upon all of us by the combination of inflation and recession—especially felt by the unemployed.

Last week when I decided to call this session, I was privileged to meet with those of you who were at the State Capitol; and I was heartened by your expressions of concern, as well as your continued spirit of cooperation in this proposal. Equally gratifying is the fine cooperation between labor and management, for they have both been in consultation over the past

days and have announced to me their joint agreement with the legislation being placed before you.

In these troubled economic times, the citizens of Alabama look to all of us for responsible leadership. Labor and management have joined hands in their efforts to meet this need. We, as elected officials and legislators, must do likewise. I therefore, call upon you to promptly, and without delay, enact my proposed legislation to benefit the many unemployed of our State.

Now, there is another matter which I did not place into the call of this special session because it is one over which I think there will be unanimity in your votes—and that is the matter of the State Docks bond issue. This, in my judgment, is one of the most important issues which we are going to face because the Tennessee-Tombigbee has had its completion date pushed up, and the continued appropriations from the Congress of the United States for the Tennessee-Tombigbee Waterway project in large degree depends on your willingness as Legislators to fund the upgrading of our Docks to meet the tonnage to be carried over the Tennessee-Tombigbee system. We also have the possibility of the Superport, which would also generate more tonnage and business for the State Docks. I believe that we are ahead of many places in the country in our efforts to gain this Support—We have done our homework in this regard.

I also urge you to favorably act upon legislation enabling the issuance of bonds to finance this all-important expansion of our State Dock's facilities.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Messrs. Flippo, Fine, Edwards, McDonald (S), King, St. John, Baker and McDonald (A):

S. 1. To provide further for the distribution of payments made by the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act (16 U.S.C. Section 8311).

Committee on Finance and Taxation.

By Messrs. Fine and Flippo:

S. 2. To amend Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of

any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," so as to delete Section 5 thereof which provides that said act shall be repealed and expire on September 30, 1974; to make the provisions of this amendatory act retroactive to September 30, 1974.

Committee on Local Legislation No. 1.

By Messrs. Wilson, McMillan, Vacca, Noonan, Shelby, Littleton, Foshee, Edwards, Roberts, Ellis and Mims:

S. 3. To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

Committee on Business and Labor Relations.

By Messrs. Wilson, McMillan, Vacca, Noonan, Shelby, Littleton, Foshee, Edwards, Roberts, Mims and Ellis:

S. 4. To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit amount.

Committee on Business and Labor Relations.

By Mr. King:

S. 5. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licenses; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

Committee on Local Government.

By Messrs. King and Jones:

S. 6. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the

removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

Committee on State Government.

By Mr. King:

S. 7. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Director of Finance to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Committee on Finance and Taxation.

By Messrs. King, Flippo, Baker and St. John:

S. 8. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee.

Committee on Finance and Taxation.

By Messrs. King, Waldrop, Roberts, Noonan, Flippo, McMillan, St. John, McDonald (A) and Edwards:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. King:

S. 10. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be interpreted and applied in a manner to fulfill the following purpose: that each citizen of Madison, County may make application to register to vote at any time the county courthouse is open for business.

Section 2. There is hereby authorized the following position and duties. Such position may be filled by any qualified person now employed by the county or hired for this specific position, except that the merit

system shall set the compensation in accordance with such merit system regulations.

Section 3. The Madison County Board of Registrars are authorized to meet the number of days now provided by law and to receive and pass on applications for registration submitted by deputy registrars. Members of board of registrars may not act as deputy registrars or receive compensation as deputy registrars.

DEPUTY REGISTRARS.

(1) The board of registrars is empowered to designate one or more deputy registrars who shall serve in such capacity as the board directs. Designation to serve as deputy registrar will be in writing and cover a specific period of time, not to exceed one year without redesignation. The instrument empowering deputy registrars shall be approved by a majority of each county board, and filed as a public record by each board of registrars.

(2) Each deputy registrar shall take the oath required of registrars.

(3) Deputy registrars shall be empowered to administer oaths and shall authenticate his acts with his personal signature and the words "Deputy Registrar". A circular seal with his name, the name of the county, and the words "Deputy Registrar" may be used for this purpose at the discretion of the appropriate board of registrars, provided such seal is not used as a substitute for the deputy registrars authenticating signature.

(4) Deputy registrars may take applications at the places and times in the county designated by the board of registrars.

(5) Applications to register to vote made before deputy registrars are not intended to substitute for a personal appearance before the board of registrars. If the board of registrars can not determine the qualifications of an applicant from the application, then the applicant shall not be rejected for registration but shall be called before the board of registrars to make a determination of qualifications. The board of registrars must specify in writing on each application the reason for requiring the applicant to appear before it.

(6) Any person performing the duties of deputy registrar may be removed at any time with or without cause, by the board of registrars.

(7) The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

(8) This act shall be cumulative and shall not be construed to repeal any existing laws.

(9) This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at

Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on February 8, 10, 17 and 24, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 27 day of February, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1975.

By Messrs. Waldrop, Foshee, Mitchell and McDonald (S):

S. 11. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

Committee on Finance and Taxation.

By Messrs. McMillan, Little, Powell, Pearson, Mims, Vacca, Wilson, Adams, Shelby, Mitchell and Torbert:

S. 12. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence in the federal penal system.

Committee on Judiciary.

By Messrs. McMillan, Little, Pearson, Powell, Mims, Vacca, Wilson, Adams, Shelby, Mitchell and Torbert:

S. 13. To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

Committee on Judiciary.

By Messrs. Pearson, McMillan, Jones, Wilson, Fine, Vacca, Adams, Owen, Torbert, Edwards, Gilmore, McDonald (S), Foshee, Shelby, Bank, Little, Littleton, Flippo, St. John, Roberts, Mitchell, McDonald (A), Noonan, King, Waldrop, Powell, Mims and Ellis:

S. 14. To provide for a summary distribution for estates of \$3,000 or less (less all liens and encumbrances), upon the transfer of an affidavit, without administration as is required by existing laws.

Committee on Judiciary.

By Mr. Shelby:

S. 15. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 16. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Committee on Local Legislation No. 1.

By Messrs. Shelby and Bank:

S. 17. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Committee on Local Legislation No. 1.

By Messrs. Shelby and Bank:

S. 18. To provide that any city of the state having a population of more than 60,000 and less than 70,000 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing

body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 19. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 20. Relating to counties having a population of not less than 110,000 and not more than 150,000, amending Act. No. 657 of 1973 Regular Session of Legislature of Alabama, relating to the compensation of the Legal Stenographer of the District Attorney of such county.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 21. To amend further Act No. 491, S. 444, Regular Session 1961 (Acts 1961, p. 563), which provides for a commission form of government for cities having populations of not less than 60,000 nor more than 70,000 according to the most recent federal decennial census, so as to further provide for the compensation of the Chairman and associate members of the commission.

Committee on Local Legislation No. 1.

By Messrs. Bank, Fine, Wilson, Powell, Pearson, Shelby, Vacca, Owen, Flippo and Mims:

S. 22. To amend Section 18, and to repeal sections 3, 4, 5, 6, 7, 8, 9, 10, and 11, of Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 327(8)-327(39)], so as to place emphasis on disclosure under the state ethics law.

Committee on State Government.

By Messrs. Gilmore, Vacca, Pearson, McMillan, Ellis and Wilson:

S. 23. To exempt the Diabetes Hospital of Jefferson County, Alabama from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 24. To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

Committee on Finance and Taxation.

By Messrs. Foshee and Littleton:

S. 25. To authorize the Governor, by Executive Order, to freeze at the present level or to roll back to any level existing at any time during the six month period immediately preceding said Executive Order, any utility rate or rates established by the Alabama Public Service Commission for a period of up to one year.

Committee on Commerce, Transportation and Utilities.

By Messrs. Foshee, Littleton, Owen and Fine:

S. 26. To provide an additional expense allowance of \$300.00 per month for each member of the State Board of Education.

Committee on Education.

By Messrs. Powell and Mitchell:

S. 27. Relating to the 19th judicial circuit; to provide for additional compensation for the court reporter in said circuit.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 28. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 29. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 30. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Messrs. Jones, Powell and Shelby:

S. 31. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), as

amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

Committee on State Government.

By Messrs. Jones, Shelby, Flipppo, Powell, Bank, Perry, McDonald (A) and Ellis:

S. 32. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Committee on State Government.

By Messrs. Jones, Powell, Fine, Mitchell and Shelby:

S. 33. To provide salary increases for certain state employees; and to appropriate funds therefor.

Committee on Finance and Taxation.

By Messrs. Jones, King, Powell, Mitchell and Shelby:

S. 34. To exempt from the operation of the privilege or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama, certain passenger vehicles owned by officers, warrant officers, or enlisted persons serving on active duty in the armed forces of the United States or active members of any United States armed forces reserve organization, who meet certain requirements of residence in Alabama.

Committee on Finance and Taxation.

By Messrs. Jones, King, Powell and Shelby:

S. 35. To repeal Act No. 1462 of the 1971 Acts which requires a minimum of 35 years of creditable service before members of the Employees' Retirement System can retire with 100% of benefits due them; to provide for the retirement of said members after 30 years of creditable service, regardless of age, with 100% of the benefits due them; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further to provide for the necessary and proper appropriations; and to provide for the modification of all laws or parts of laws in conflict with the provisions of this Act.

Committee on State Government.

By Mr. Owen:

S. 36. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee.

Committee on Finance and Taxation.

By Mr. Bank:

S. 37. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to

county registration districts and state registration district in conformity with surrounding states.

Committee on Health and Welfare.

By Mr. Bank:

S. 38. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Committee on Health and Welfare.

By Messrs. Mims, Adams and Mitchell:

S. 39. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employee's retirement system, and to provide for the manner of their employment and regulation of their compensation.

Committee on State Government.

By Mr. Owen:

S. 40. To be known as the "Deceptive Trade Practices and Consumer Protection Act"; creating an autonomous consumer protection agency and prescribing its powers, duties and authority; creating a consumer advisory board; defining and regulating deceptive trade practices; providing administrative and judicial remedies and procedures for carrying out the act; providing civil penalties for violations; prescribing the extent of the applicability of the act; and providing an appropriation therefor.

Committee on Finance and Taxation.

By Messrs. Owen, Noonan, Roberts, Torbert, McMillan, King, Adams, Little, St. John, Mims, Foshee, Shelby, Powell, Bank, Fine, Flipppo, Edwards, Waldrop, McDonald (S), Mitchell, McDonald (A), Jones and Vacca:

S. 41. To propose an amendment to the Constitution of Alabama to authorize the State to engage in works of internal improvement in connection with the promoting, acquiring, developing, constructing, improving, expanding, modernizing and equipping of capital improvements at the Alabama State Docks; to authorize the State to become indebted by the issuance of bonds for not exceeding \$45,000,000 aggregate principal amount of indebtedness in connection therewith and to pledge the full faith and credit of the State to secure the repayment of such indebtedness and interest thereon; and to authorize the State to evidence such indebtedness by issuing its interest bearing general obligation bonds in principal amount not exceeding \$45,000,000 and its interest bearing notes in anticipation of receipt of bond proceeds.

Committee on Seaports and Inland Waterways.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Noonan, Roberts, Owen, Adams, Little, Pearson and Wilson:

S. 42. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Committee on Seaports and Inland Waterways.

By Messrs. Roberts, Noonan, Owen, McDonald (S), Flippo, King, Bank and Mims:

S. 43. To create a commission called The Good Neighbor Commission; prescribing certain powers and duties for said permanent state commission; authorizing the use of legislative funds in the amount of \$50,000 per year for its expenses during 1973-75 biennium; providing for transportation facilities for the commission and for expenses of the commission.

Committee on Finance and Taxation.

By Messrs. Roberts and Noonan:

S. 44. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue

securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which such securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Local Legislation No. 1.

By Messrs. Roberts, King, Perry, Adams, Mims, McDonald (S), St. John, Foshee, Owen, Gilmore, Mitchell, Flippo, Jones, Powell, McDonald (A), Shelby, McMillan, Vacca, Ellis, Bank, Noonan, Wilson and Pearson:

S. 45. To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub. L. 91-646, Title 2, §§ 207 & 210, 84 Stat. 1898 and 1899, 42 USCA, §§ 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Committee on Local Government.

By Messrs. Owen, Noonan, Roberts, Perloff, Adams, Shelby, Littleton,

Torbert, McDonald (S), Givhan, Waldrop, Mitchell, Perry, Foshee, Gilmore, Fine, King, McMillan, Mims, Ellis, Little, St. John, Pearson, Powell, Bank, McDonald (A), Edwards, Flipppo, Vacca and Jones:

S. 46. To authorize the state to promote, acquire, construct, improve, expand, modernize and equip capital improvements by the Alabama State Docks; to authorize the issuance of interest bearing general obligation bonds of the state in the principal amount not exceeding \$45,000,000; to authorize the issuance of interest bearing general obligation notes of the state in anticipation of the sale of such bonds; to provide for the details of the bonds and notes issued hereunder, the execution thereof and the method of sale thereof; to provide for and authorize the pledge of certain revenues from facilities of the Alabama State Docks Department for the payment of principal interest on the bonds; to provide that the bonds, notes and the income therefrom shall be forever exempt from all taxation in the state, shall be deemed negotiable instruments and may be used to secure deposits for funds of the state or any instrumentality or agency of the state and shall be lawful for the investment of fiduciary funds; to authorize the issuance of refunding bonds; to provide for the disbursement of bond and note proceeds, after payment of expenses, for the purposes of which they were issued upon approval of the Governor; to authorize the temporary investment by the State Treasurer of bond and note proceeds; to authorize and direct the State Treasurer to pay principal interest on the bonds and notes; to establish the State Docks Planning Council to approve the sale and issuance of bonds and notes and the disbursement of their proceeds, to designate the members and officers thereof, and prescribe certain procedural rules for the council; to provide that the provisions hereof shall be severable and that any portion that may be held invalid shall not affect the remaining portions; and to provide that the Act shall be effective upon passage and approval by the Governor or otherwise becoming law and upon the adoption of a Constitutional amendment authorizing the issuance of the bonds.

Committee on Seaports and Inland Waterways.

By Mr. Foshee:

S. 47. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay; that any former governor physically or mentally disabled while in office shall be entitled to receive his full salary after leaving office; all to be paid out of the General Fund of the State Treasury; repealing Act No. 304, H. 345, 1967 Regular Session (1967 Acts, p. 847; now appearing in the Code of Alabama Recompiled 1958, Title 55, Section 172(2)) and other conflicting provisions of law.

Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 2. Relative to notifying Governor that Legislature is in session.

And the Speaker of the House appointed as Committee on part of the House Messrs. McCulley, Campbell and Coburn.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Messrs. Bank, McDonald (A), Edwards, Waldrop and McDonald (S) offered the following Senate Resolution, to-wit:

S. R. 7. CREATING A SUBCOMMITTEE OF THE HEALTH COMMITTEE TO STUDY THE RISING COSTS OF MEDICAL CARE.

Whereas, the current high cost of medical care, high physician's fees, high hospital costs, and high drug costs, are influencing people's ability to obtain needed medical care; and

Whereas, low and middle income families are finding it increasingly difficult to obtain and pay for medical care; and

Whereas, many areas in the State of Alabama, particularly in rural areas, are facing a severe shortage of medical personnel; and

Whereas, government programs and other insurance programs have placed a strain on the limited supply of medical resources and at the same time the increased demand has caused prices for medical care to rise faster than prices for other items; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That there is hereby established a subcommittee of the Senate Standing Committee on Health to study the high costs of medical care. The subcommittee shall be composed of five members of the Health Committee to be appointed by the Chairman of the Health Committee. The Chairman of the Health Committee shall be ex officio Chairman of the subcommittee. The subcommittee shall meet on the call of the chairman. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the subcommittee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the State comptroller upon requisitions signed by the subcommittee's chairman.

On motion of Mr. Bank, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Bank, McDonald (A), Edwards, Waldrop and McDonald (S) offered the following Senate Resolution, to-wit:

S. R. 8. CREATING A SUBCOMMITTEE OF THE HEALTH COMMITTEE TO STUDY THE PROBLEMS OF THE AGED AND THE QUESTION OF ALLEGED ABUSES IN NURSING HOMES.

WHEREAS, the aged, plagued by physical and sometimes mental frailty, often assume a secondary import in a society which idolizes the young, physical well-being, and attractiveness; and

WHEREAS, despite increased government concern and activity, the problems facing the aged remain acute; and

WHEREAS, ravaging inflation reduces retirement income and eats into savings that have been accumulated; and

WHEREAS, the aged face increasing health problems and must bear rising medical costs; and

WHEREAS, many of the elderly are forced to live in nursing homes where the quality of care may not be adequately regulated; and

WHEREAS, all of us hope some day to join the ranks of the "senior citizens," and therefore have a vested interest in the problems of the aged; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That there is hereby established a subcommittee of the Senate Standing Committee on Health to study the problems of the aged and the question of alleged abuses in nursing homes. The subcommittee shall be composed of five members of the Health Committee appointed by the Chairman of the Health Committee. The Chairman of the Health Committee shall be ex officio chairman of the subcommittee. The subcommittee shall meet on call of the chairman. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the subcommittee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the State comptroller upon requisitions signed by the subcommittee's chairman.

On motion of Mr. Bank, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 6:50 P.M., on motion of Mr. Fine, the Senate adjourned until Tuesday, March 4, 1975, at 10 o'clock A.M.

SECOND LEGISLATIVE DAY

TUESDAY, MARCH 4, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend John Frank Lindsey, Minister, Ridgecrest Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald

(S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Baker and Weaver for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stewart:

S. 48. To amend the "Mini Code," Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, in relation to the maximum finance charge for any loan or forbearance and for any credit sale so as to reduce the maximum rate of the interest permissible under such law.

Committee on Banking.

By Mr. Stewart:

S. 49. To amend Section 16 of Act No. 2052, S. 122, Regular Session 1971 [(Acts 1971, p. 3298—now appearing in the 1973 Supplement to Code of Alabama, Recompiled 1958, Title 5, Section 331)], so as to prescribe maximum premiums for credit life and disability insurance that creditors may charge in connection with a loan or a renewal thereof.

Committee on Insurance.

By Mr. Waldrop:

S. 50. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide criminal penalties and personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to set the effective date of this act and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. McMillan:

S. 51. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

Committee on Health and Welfare.

By Mr. Bank:

S. 52. Defining, regulating, and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Director of the Department of Labor to enforce and administer this Act and defining his powers and duties relative thereto; creating and providing for the appointment, term, duties and compensation of an advisory board on licensing of employment agencies to assist the Director of the Department of Labor in administering this Act; prescribing penalties; and repealing conflicting laws.

Committee on Business and Labor Relations.

By Mr. Pearson:

S. 53. To provide that any city having a population of 300,000 or more, according to the last or any subsequent federal census, any agency of such city, and any authority organized in such city under the provisions of Act No. 215 of the Regular Session of the Legislature of 1947 (Ala. Acts, 1947, Pages 81-88, as amended), which has received, or which shall have received, any land as a gift from any person, on the condition that such land shall be used for a public purpose, shall be authorized to enter into an agreement with the donor of the land providing for the donor to remove from the land one or more buildings, structures or fixtures on the land at the time of the gift if such city, agency or authority has determined or shall

have determined that the public purpose for which the land given is to be used renders it necessary or desirable, that one or more of such buildings, structures or fixtures be removed from the land; to authorize the governing body of such city, agency or authority to determine the terms of any such agreement, subject to the limitations imposed by this Act; and to provide that any agreement authorized by the Act shall not be subject to Act No. 217 of the Regular Session of the Legislature of 1967 (Ala. Acts, 1967, Pages 259-264) as amended, or any other competitive bid law.

Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 13. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn to meet again at 2:00 P.M. Tuesday at March 4, 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 13, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RECESS

At 10:30 A.M., on motion of Mr. Fine, the Senate took a recess until 3 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY CURRENT SYSTEM OF GOVERNING THE INSTITUTIONS OF HIGHER LEARNING IN ALABAMA.

WHEREAS, considerable questions have been raised as to whether or not the State of Alabama is using the best system for governing its institutions of higher learning; and

WHEREAS, various and different plans of reorganization concerning higher education have been suggested; and

WHEREAS, it is highly desirable for the Alabama Legislature to have a select committee study the various methods employed now or suggested for governing the many different types of institutions of higher learning in this State.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created a joint select interim committee to be composed of five members of the House and four members of the Senate, to be appointed by the presiding officer of each house. The President of the Senate shall appoint from the membership a chairman, and the Speaker of the House shall appoint a vice-chairman for the committee. The committee shall study all facets of the current system of governing the institutions of higher learning within the State of Alabama. It shall also consider all other alternate plans of governing said institutions now employed in other states as well as any other proposed plans now being considered in Alabama or otherwise.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistants as may be necessary for the committee's work. The chairman of the committee shall have the authority to employ any persons, who have specialized training which would be desirable and helpful to the committee, under the provisions of Title 32, Section 13, Code of Alabama. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of the 1977 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, or warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Little, Powell, Pearson, Mims, Vacca, Wilson, Adams, Shelby, Mitchell and Torbert:

S. 12. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence in the federal penal system.

By Messrs. McMillan, Little, Pearson, Powell, Mims, Vacca, Wilson, Adams, Shelby, Mitchell and Torbert:

S. 13. To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

By Messrs. Pearson, McMillan, Jones, Wilson, Fine, Vacca, Adams, Owen, Torbert, Edwards, Gilmore, McDonald (S), Foshee, Shelby, Bank, Little, Littleton, Flippo, St. John, Roberts, Mitchell, McDonald (A), Noonan, King, Waldrop, Powell, Mims and Ellis:

S. 14. To provide for a summary distribution for estates of \$3,000 or less (less all liens and encumbrances), upon the transfer of an affidavit, without administration as is required by existing laws.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, Waldrop, Roberts, Noonan, Flippo, McMillan, St. John, McDonald (A) and Edwards:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

The above Bill was read a second time at length as required by the Constitution.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King and Jones:

S. 6. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

By Messrs. Bank, Fine, Wilson, Powell, Pearson, Shelby, Vacca, Owen, Flippo and Mims:

S. 22. To amend Section 18, and to repeal sections 3, 4, 5, 6, 7, 8, 9, 10, and 11, of Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 327(8)-327(39)], so as to place emphasis on disclosure under the state ethics law.

By Messrs. Jones, Powell and Shelby:

S. 31. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), as

amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

By Messrs. Mims, Adams and Mitchell:

S. 39. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employee's retirement system, and to provide for the manner of their employment and regulation of their compensation.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King:

S. 5. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

By Messrs. Roberts, King, Perry, Adams, Mims, McDonald (S), St. John, Foshee, Owen, Gilmore, Mitchell, Flippo, Jones, Powell, McDonald (A), Shelby, McMillan, Vacca, Ellis, Bank, Noonan, Wilson and Pearson:

S. 45. To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub. L. 91-646, Title 2, §§ 207 & 210, 84 Stat. 1898 and 1899, 42 USCA, §§ 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said Committee, in Session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Noonan, Roberts, Owen, Adams, Little, Pearson and Wilson:

S. 42. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Fine and Flippo:

S. 2. To amend Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," so as to delete Section 5 thereof which provides that said act shall be repealed and expire on September 30, 1974; to make the provisions of this amendatory act retroactive to September 30, 1974.

By Mr. King (with notice and proof):

S. 10. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

By Mr. Shelby:

S. 15. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

By Mr. Shelby:

S. 16. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

By Messrs. Shelby and Bank:

S. 17. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

By Messrs. Shelby and Bank:

S. 18. To provide that any city of the state having a population of more than 60,000 and less than 70,000 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

By Mr. Shelby:

S. 19. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

By Mr. Shelby:

S. 20. Relating to counties having a population of not less than 110,000 and not more than 150,000, amending Act. No. 657 of 1973 Regular Session of Legislature of Alabama, relating to the compensation of the Legal Stenographer of the District Attorney of such county.

By Mr. Shelby:

S. 21. To amend further Act No. 491, S. 444, Regular Session 1961 (Acts 1961, p. 563), which provides for a commission form of government for cities having populations of not less than 60,000 nor more than 70,000 according to the most recent federal decennial census, so as to further provide for the compensation of the Chairman and associate members of the commission.

By Messrs. Powell and Mitchell:

S. 27. Relating to the 19th judicial circuit; to provide for additional compensation for the court reporter in said circuit.

By Mr. Mitchell:

S. 28. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

By Mr. Mitchell:

S. 29. Relating to all counties having populations of not less than

24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

By Mr. Mitchell:

S. 30. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Waggoner, Biddle and Lockett:

H. J. R. 7. Urging the resumption of intercollegiate athletic activities between Birmingham Southern College and Samford University

WHEREAS, the State of Alabama and Jefferson County are blessed by having within their boundaries two highly regarded private institutions of higher learning which have equally illustrious histories in the field of intercollegiate athletics, and

WHEREAS, these two great institutions, Birmingham Southern College and Samford University, first engaged in intercollegiate sports back in the year of 1919 when they played each other in football, basketball and baseball, and

WHEREAS, the two said institutions continued to play each other in football until Birmingham Southern College gave up football in 1939, and baseball until Samford University gave up the sport some years later and in basketball until the series was terminated in 1957, and

WHEREAS, both schools still participate in intercollegiate basketball but do not schedule games with each other, and

WHEREAS, the resumption of intercollegiate basketball between these two institutions would help to increase the growing interest in basketball in this state, would provide many hours of entertainment for students, alumni and sports fans, and will renew a time-honored and historic rivalry between two great institutions, NOW THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that this body go on record as urging these two great institutions to resume intercollegiate athletic activities with each other.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Dr. Leslie Wright, Coach Ron Harris, and the Board of Trustees of Samford University; and to Dr. Ralph Tanner, Coach Murray Arnold, and the Board of Trustees of Birmingham Southern College.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 7, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Messrs. Waldrop and McDonald (S) offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. MOURNING THE DEATH OF C. L. STARLING, SLAIN ATTALLA POLICE OFFICER

WHEREAS, Officer C. L. Starling was slain in the line of duty as a Gadsden-Attalla policeman; and

WHEREAS, Officer Starling is survived by a wife and three children who greatly miss his presence and comfort; and

WHEREAS, the Gadsden-Attalla police force are collecting contributions for a fund to help Officer Starling's family during this period of personal sorrow and crisis; and

WHEREAS, Officer Starling's family is in great need of both financial and moral support during this tragic time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest sympathy to the family and friends of Officer C. L. Starling, and that a copy of this resolution be sent to the widow of Officer Starling.

BE IT FURTHER RESOLVED, That we encourage everyone to contribute to the family fund of Officer Starling.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Waldrop and McDonald (S) offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. MOURNING THE DEATH OF F. T. DOBBS

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of F. T. Dobbs; and

WHEREAS, F. T. Dobbs contributed immeasurably to the enrichment of our social, cultural and economic lives. He was a diligent and devoted member and deacon of the Gadsden First Baptist Church and a member of the Masonic Lodge No. 236; and

WHEREAS, F. T. Dobbs was principal of Gadsden High School from 1947 until his retirement in 1971; and

WHEREAS, F. T. Dobbs reflected the uncommon endowments of foresight, perserverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS, this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the state of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we mourn the death of F. T. Dobbs and express our deep and sincere sympathy to his widow, Mrs. Kate Dobbs, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. THANKING MRS. MARTHA WILLIAMS OF THE LEGISLATIVE REFERENCE SERVICE STAFF FOR HER OUTSTANDING SERVICE AND WISHING HER A LONG AND HAPPY RETIREMENT.

WHEREAS Mrs. Martha Williams, one of the senior analysts on the staff of the Legislative Reference Service retired earlier this month; and

WHEREAS her keen sense of humor and charming wit will be greatly missed by the members of the Legislature and her co-workers in the Legislative Reference Service; and

WHEREAS she has performed many outstanding tasks and written volumes of legislation for the members of the Alabama Legislature, both past and present; and

WHEREAS we wish to take this opportunity to honor her and wish her a long and happy retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do thank Mrs. Martha Williams for her long, faithful and outstanding service to the State of Alabama and do wish her a long and happy retirement.

BE IT FURTHER RESOLVED That the Secretary of the Senate send a copy of this resolution to Mrs. Williams.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. COMMENDING THE ENLISTED NATIONAL GUARD ASSOCIATION OF ALABAMA AND ENCOURAGING ALL MEMBERS OF THE ALABAMA NATIONAL GUARD TO JOIN THE ASSOCIATION.

WHEREAS the Enlisted National Guard Association of Alabama is a non-profit, non-political organization formed with the avowed purpose of promoting and advancing the status, welfare and professionalism of the enlisted members of the National Guard of Alabama as well as promoting and maintaining adequate national security; and

WHEREAS it is the opinion of this legislature that the association will greatly benefit those guardsmen through collective accomplishments that would be difficult or impossible for the individual guardsman to accomplish, and at the same time serve the interests of national security; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend highly

the Enlisted National Guard Association of Alabama as a beneficial and worthwhile collective endeavor, and encourage all members of the Alabama National Guard to join and actively participate in this fine organization.

RESOLVED FURTHER that copies of this resolution be sent to the Enlisted National Guard Association of Alabama.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 3:20 P.M., on motion of Mr. Mims, the Senate adjourned until Wednesday, March 5, 1975, at 10 o'clock A.M.

THIRD LEGISLATIVE DAY

WEDNESDAY, MARCH 5, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Lynn Matlack, Minister, First Christian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Clemon for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Shelby:

S. 54. To amend Section 1 of Act No. 1024, S. 461, Regular Session 1973, (Acts 1973, p. 1561) which act provides for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges so as to further regulate said salaries or compensation.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 55. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 56. To provide that any health, hospitalization, surgical, disability, or other medical insurance coverage of newborn infants who are included under any family-type insurance policy issued in this state shall begin immediately from the moment of birth of such infant; and that the coverage and insurability of such infant shall not be disclaimed or otherwise denied by the insurer of such policy.

Committee on Health and Welfare.

By Mr. Torbert:

S. 57. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums,

exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers, for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and buildings, facilities and improvements for the accommodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gift, and souvenir shops, boat service and storage facilities, and launderettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporations, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

Committee on Conservation.

By Mr. Littleton:

S. 58. Providing for expense allowances for the tax assessor and for the tax collector of counties having a population of not less than 37,500 nor more than 39,200, according to the most recent or any subsequent federal decennial census, and giving this act retroactive effect.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. White and Gafford:

H. J. R. 3. Commending Senator James B. Allen for his service in the United States Senate and for his stand against changing Senate Rule 22.

Also:

By Messrs. Johnson, Robertson, Lee, Clark and Owens:

H. J. R. 6. Commending Mr. Joseph W. Perkins.

Also:

By Messrs. McCluskey, Teague and Dial:

H. J. R. 8. Commending Donald Comer, III, upon becoming president of Avondale Mills.

Also:

By Messrs. McCluskey, Teague and Dial:

H. J. R. 9. Commending Judge William C. Sullivan.

Also:

By Messrs. McCluskey, Teague and Dial:

H. J. R. 10. Congratulating Miss Ruth Elizabeth Penny for being named blind worker of the year.

Also:

By Messrs. Robertson, Johnson, Clark, Lee, Owens and Howard:

H. J. R. 11. Commending Bob Kyle, upon his retirement, for his outstanding achievements in the journalistic field and his many years of service to the community and the state.

Also:

By Mr. Holmes:

H. J. R. 12. Congratulating Coach Floyd Laisure and the Alabama State University basketball team on their outstanding season and their invitation to the NCAA Division II regional basketball tournament.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 3, 6, 8, 9, 10, 11 and 12, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Jones, Shelby, Flipppo, Powell, Bank, Perry, McDonald (A) and Ellis:

S. 32. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Owen, Noonan, Roberts, Torbert, McMillan, King, Adams, Little, St. John, Mims, Foshee, Shelby, Powell, Bank, Fine, Flipppo, Edwards, Waldrop, McDonald (S), Mitchell, McDonald (A), Jones and Vacca (With Substitute):

S. 41. To propose an amendment to the Constitution of Alabama to authorize the State to engage in works of internal improvement in connection with the promoting, acquiring, developing, constructing, improving, expanding, modernizing and equipping of capital improvements at the Alabama State Docks; to authorize the State to become indebted by the issuance of bonds for not exceeding \$45,000,000 aggregate principal amount of indebtedness in connection therewith and to pledge the full faith and credit of the State to secure the repayment of such indebtedness and interest thereon; and to authorize the State to evidence such indebtedness by issuing its interest bearing general obligation bonds in principal amount not exceeding \$45,000,000 and its interest bearing notes in anticipation of receipt of bond proceeds.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Owen, Noonan, Roberts, Perloff, Adams, Shelby, Littleton, Torbert, McDonald (S), Givhan, Waldrop, Mitchell, Perry, Foshee, Gilmore, Fine, King, McMillan, Mims, Ellis, Little, St. John, Pearson, Powell, Bank, McDonald (A), Edwards, Flipppo, Vacca and Jones (With Substitute):

S. 46. To authorize the state to promote, acquire, construct, improve, expand, modernize and equip capital improvements by the Alabama State Docks; to authorize the issuance of interest bearing general obligation bonds of the state in the principal amount not exceeding \$45,000,000; to authorize the issuance of interest bearing general obligation notes of the state in anticipation of the sale of such bonds; to provide for the details of the bonds and notes issued hereunder, the execution thereof and the method of sale thereof; to provide for and authorize the pledge of certain revenues from facilities of the Alabama State Docks Department for the payment of principal interest on the bonds; to provide that the bonds, notes and the income therefrom shall be

forever exempt from all taxation in the state, shall be deemed negotiable instruments and may be used to secure deposits for funds of the state or any instrumentality or agency of the state and shall be lawful for the investment of fiduciary funds; to authorize the issuance of refunding bonds; to provide for the disbursement of bond and note proceeds, after payment of expenses, for the purposes of which they were issued upon approval of the Governor; to authorize the temporary investment by the State Treasurer of bond and note proceeds; to authorize and direct the State Treasurer to pay principal interest on the bonds and notes; to establish the State Docks Planning Council to approve the sale and issuance of bonds and notes and the disbursement of their proceeds, to designate the members and officers thereof, and prescribe certain procedural rules for the council; to provide that the provisions hereof shall be severable and that any portion that may be held invalid shall not affect the remaining portions; and to provide that the Act shall be effective upon passage and approval by the Governor or otherwise becoming law and upon the adoption of a Constitutional amendment authorizing the issuance of the bonds.

Mr. Flippo, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Foshee and Littleton (With Amendment):

S. 25. To authorize the Governor, by Executive Order, to freeze at the present level or to roll back to any level existing at any time during the six month period immediately preceding said Executive Order, any utility rate or rates established by the Alabama Public Service Commission for a period of up to one year.

Mr. Weaver, Chairman of the Standing Committee on Business and Labor Relations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Wilson, McMillan, Vacca, Noonan, Shelby, Littleton, Foshee, Edwards, Roberts, Ellis and Mims:

S. 3. To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

By Messrs. Wilson, McMillan, Vacca, Noonan, Shelby, Littleton, Foshee, Edwards, Roberts, Mims and Ellis:

S. 4. To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit amount.

BILLS ON THIRD READING

The Bill:

S. 2. To amend Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of

not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," so as to delete Section 5 thereof which provides that said act shall be repealed and expire on September 30, 1974; to make the provisions of this amendatory act retroactive to September 30, 1974.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Jones, King, Little, Littleton, McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

S. 10. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

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Nays:

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The Bill:

S. 15. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, Shelby, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

S. 16. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Shelby, Torbert, Vacca, Waldrop, Weaver.

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Nays:

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The Bill:

S. 17. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

S. 18. To provide that any city of the state having a population of more than 60,000 and less than 70,000 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

S. 19. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S) McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

S. 20. Relating to counties having a population of not less than 110,000 and not more than 150,000, amending Act. No. 657 of 1973 Regular Session of Legislature of Alabama, relating to the compensation of the Legal Stenographer of the District Attorney of such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

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Nays:

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The Bill:

S. 21. To amend further Act No. 491, S. 444, Regular Session 1961 (Acts 1961, p. 563), which provides for a commission form of government for cities having populations of not less than 60,000 nor more than 70,000 according to the most recent federal decennial census, so as to further provide for the compensation of the Chairman and associate members of the commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

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Nays:

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The Bill:

S. 27. Relating to the 19th judicial circuit; to provide for additional compensation for the court reporter in said circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Littleton, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

S. 28. Relating to all counties having populations of not less than

24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Weaver, Wilson.

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Nays:

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The Bill:

S. 29. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

S. 30. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

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Nays:

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RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THAT S. J. R. 8, Act No. 11, PASSED DURING THE ORGANIZATIONAL SESSION OF 1975 BE AMENDED AS FOLLOWS:

WHEREAS the rates charged by public utilities within the State of Alabama have been going up at an astronomical rate; and

WHEREAS the general public is becoming vitally concerned and worried about the regulation of public utilities within this state; and

WHEREAS there is a loud and incessant demand on the part of the public for the legislature to study regulation and control of public utilities and public utility rate making within this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Interim Committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets and ramifications concerning the regulation of public utilities in this state. This joint resolution shall include investigation and study of the Public Service Commission.

The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature.

The Chairman of the Committee may employ such clerical, technical, and expert assistance as the committee may find necessary in performing its duties. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1975 regular session.

Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. AMENDING SECTION (e) OF S. J. R. 15, ACT NO. 15, ORGANIZATIONAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Section (e), Senate Joint Resolution 15, Act No. 15, Organizational Session 1975, be and said Section (e) is hereby amended to read as follows:

“(e) The compensation of committee employees shall be paid as provided in Code, 1940, Title 32, Sections 13 and 14. The members of the

Committee shall be paid the same compensation and expenses as provided them for legislative sessions, except that members shall in addition thereto be compensated for their actual travel expenses incurred by travel outside Montgomery in the performance of committee duties. Such compensation and expenses shall be paid in the same manner as those provided them for legislative sessions."

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 11. Amending Act No. 11, S. J. R. 8, Organizational Session 1975.

On motion of Mr. Foshee, said Resolution was then adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 7. Urging the resumption of intercollegiate athletic activities between Birmingham Southern College and Samford University.

On motion of Mr. Gilmore, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 9. Creating a Select Joint Interim Committee to Study Current System of Governing the Institutions of Higher Learning in Alabama.

Mr. Baker moved that consideration of the Resolution, S. J. R. 9, be postponed temporarily. Mr. Foshee moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 11; Nays 14.

Yeas:

Messrs. Adams, Fine, Foshee, Gilmore, Jones, Littleton, Mims, Mitchell, Owen, Pearson, Powell.

— 11

Nays:

Messrs. Baker, Edwards, Ellis, King, Little, McMillan, Noonan, Perloff, Perry, Roberts, St. John, Stewart, Waldrop, Weaver.

— 14

The question then recurred on the motion of Mr. Baker, which was adopted, and further consideration of the Resolution, S. J. R. 9, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 12. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence in the federal penal system.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

Nays:

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The Bill:

S. 13. To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (B), Lutz, Gregg, Albright, Riddick and Moore (W):

H. J. R. 21. Be it resolved by the Alabama House of Representatives, the Senate concurring, that there be and hereby is

established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission".

The Commission shall be composed of nine (9) members with four of its members from government, four members from business, and a Chairman. The four members from business and government shall include one lawyer, a manager, and two salary administrators. Its membership shall be appointed by The Madison County Delegation.

The Chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of The Chairman. Members of The Commission shall serve without compensation.

The objective of The Commission will be to provide information and recommendation regarding salaries of Madison County elected officials. The specific objectives of The Commission shall be described by The Madison County Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 21, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—28

Nays: Messrs. Jones, Mims, Perloff.

—3

At the request of Mr. Ellis, his name was added as co-sponsor of the above Bill.

The Bill:

S. 22. To amend Section 18, and to repeal sections 3, 4, 5, 6, 7, 8, 9, 10, and 11, of Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama Recompiled 1958, Title 55, Section

327(8)-327(39)], so as to place emphasis on disclosure under the state ethics law.

was taken up.

Mr. Mitchell offered the following substitute for the Bill, S. B. 22, to-wit:

SUBSTITUTE FOR S. B. 22

A BILL TO BE ENTITLED AN ACT

To provide a state ethics law which requires disclosures of certain economic interests to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities; proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; prescribes penalties and provides for the enforcement of this act, and expressly repeals Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699).

Be It Enacted by the Legislature of Alabama:

Section 1.

(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual member of the legislature, to committees of the legislature, and to officials of the Executive branch, their opinions on legislation, on pending executive actions, and on current issues; and that, to preserve and maintain the integrity of the legislative

and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of the government of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to public service.

Section 2. Whenever used in this Act, the following words and terms shall have the following respective meaning unless the context clearly indicates otherwise:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

(b) "Business with which he is associated" means any business of which the person or a member of his family is a director, officer, owner, partner, employee, or holder of stock worth \$1,000 or more at fair market value, and any business which is a client of the person.

(c) "Candidate for public office" means any person who has filed a declaration of candidacy or petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

(d) "Legislative employee" means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who is in a senior or ranking position of responsibility, including staff directors, staff attorneys, administrative assistants, but excluding clerical aides or employees.

(e) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

(f) "Lobbyist" means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members, or committee of the legislature with whom he discusses any proposed legislation.

(g) "Reporting Year" means the reporting official's or employee's fiscal tax year as it applies to the United States Income Tax Return(s).

(h) "State Employee" means any employee of the State who holds a senior or ranking position of responsibility, irrespective of gross annual income.

(i) "State Employee's Family" means the employee's spouse and dependents.

(j) "State Official" means any elected official of the legislative, judicial or executive branch of state government, and any person appointed under Alabama Law to an office in either branch where, in the conduct of such office, administrative and discretionary powers attend the appointment.

(k) Any member of the U. S. House of Representatives and the U. S. Senate, together with their families, their secretaries, Administrative Assistants, and any other associated employees, also their partners or any person that they may be associated with in any business, partnership, or corporation.

(l) "State Official's Family" means the official's spouse and dependents.

Section 3. No state official or employee shall use an official position or office to obtain financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

Section 4. No state official or employee or his family shall solicit any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or any state regulatory board, commission or other body.

Section 5. No state official or employee shall use or disclose confidential information gained in the course of or by reason of his position or employment in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

Section 6. No state official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract with any state agency which is to be paid in whole or in part out of state funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. This section is not to be interpreted to include professional services.

Section 7. No person shall offer or give to a member or employee of a state agency, board or commission that regulates a business with which such person is associated, and no member or employee of a state regulatory agency, board or commission shall solicit or accept from any such person anything of value, including a promise of future employment or a favor or service, while the the member or employee is associated with the regulatory agency, board or commission.

Section 8. It shall be the duty of each elected official or person employed to serve as a state official or employee before taking the oath of

office or entering upon his duties to file a statement of economic interests in accordance with the provisions of this act. Those persons elected to the State Senate shall file such statements with the Secretary of the Senate; those persons elected to the House of Representatives shall file such statement with the Clerk of the House and all other state officials, whether elected or appointed, and all employees of state government shall file such statements with the Secretary of State. Such statement shall contain the following information on the person making such filing:

1. Name, residence address, business address and name and address of living spouse and minor and dependent children.

2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse.

3. A listing of total combined family income of the state official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, rents, and other compensation and the source or sources of said income.

4. A listing of total indebtedness showing types and number of each as follows: banks, savings and loan associations, credit unions, insurance companies, mortgage firms, stock brokers, and individuals.

Section 9.

- (a) Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests in keeping with this act at the office of the Secretary of State.

- (b) If a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this act within ten days after he becomes a candidate, his name shall not appear on the ballot.

- (c) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this act within ten days after such nomination, the nomination shall not be approved or ratified until at least ten days after he has filed such statement of economic interests.

Section 10. Each person who is required to file a statement of economic interests under this act shall do so annually, and not later than April 15 of each calendar year; provided however, that any person who shall become subject to the provisions of this act by virtue of his election, appointment or employment at any time after March 15 of any given calendar year, then such person shall have 30 days from the date of such election, appointment, or employment to comply with the provisions of this act.

Section 11. All statements of economic interests filed under this act are public records and shall be made available for public inspection during regular business hours. It shall be the duty of the Attorney General of the State of Alabama to investigate and prosecute any violation of the provisions of this act and upon conviction any person found guilty of violating the provisions of this act shall be fined a sum not to exceed \$5,000, or be imprisoned for up to one year, or both.

Section 12. The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

Section 13. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699) is hereby expressly repealed.

Section 14. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. King moved that further consideration of the Bill, S. B. 22, and pending substitute, be postponed temporarily. On motion of Mr. Mitchell, the motion to postpone was laid on the table.

Yeas 19; Nays 11.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Givhan, McMillan, Mims, Mitchell, Owen, Perloff, Powell, Roberts, St. John, Shelby, Weaver, Wilson.

—19

Nays:

Messrs. Ellis, Jones, King, Little, McDonald (S), Noonan, Perry, Stewart, Torbert, Vacca, Waldrop.

—11

Mr. Torbert offered the following amendment to the substitute for the Bill, S. B. 22, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 22

Amend the substitute for Senate Bill No. 22, on Page 3, Line 27, by inserting the words "reading clerks" after the words "administrative assistants".

Which was adopted.

Mr. McMillan offered the following amendment to the substitute, as amended, for the Bill, S. B. 22, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 22

Amend the substitute for Senate Bill No. 22, Page 5, Line No. 21, by inserting after the word "services" a section 6 (a) to read as follows:

Section 6 (a) Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is directly associated.

Which was adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, S. B. 22, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 22

Amend S. B. 22, Section 5 by adding at the end thereof the following: "Further, no state official or employee or business with which he is associated shall receive any fee for professional services provided to the state or any of its agencies or to any county or city or instrumentality thereof in the political subdivision or district from which he is elected or in which he resides."

On motion of Mr. Mitchell, said amendment was laid on the table.

Yeas 22; Nays 7.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, Mims, Mitchell, Noonan, Perloff, Perry, Powell, St. John, Shelby, Weaver, Wilson.

—22

Nays:

Messrs. King, McDonald (A), McDonald (S), McMillan, Stewart, Torbert, Waldrop.

—7

Mr. McMillan offered the following amendment to the substitute, as amended, for the Bill, S. B. 22, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 22

Amend the substitute for Senate Bill No. 22, Page 3, Line 13, by striking out Section 2 (b) and inserting in lieu thereof the following

(b) "Business with which he is associated" means any business of which the person or the person's spouse is a director, officer, owner, partner, employee or holder of stock worth \$20,000 or more at fair market value and any business which is a client of the person.

On motion of Mr. St. John, said amendment was laid on the table.

And on motion of Mr. St. John, the substitute, as amended for the Bill, S. B. 22, was laid on the table.

Yeas 21; Nays 11.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Flippo, Foshee, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Owen, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—21

Nays:

Messrs. Adams, Fine, Gilmore, King, McMillan, Mitchell, Noonan, Perry, Powell, Roberts, Waldrop.

—11

MOTION TO RECESS LOST

At 12:55 P.M., Mr. Flippo moved that the Senate take a recess until 2 o'clock this afternoon, which motion was lost.

Yeas 8; Nays 23.

Yeas:

Messrs. Ellis, Flippo, Foshee, King, Owen, Stewart, Torbert, Waldrop.

—8

Nays:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Weaver, Wilson.

—23

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, Crowe, McCluskey, Cooper, McCorquodale, Johnstone, McMillan, Kinsey, Glass, Malone, Sonnier, McCulley, LeFlore, Sandusky, Waggoner, Biddle and Kennedy:

H. 69. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 69. To the Committee on Seaports and Inland Waterways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, Sonnier, McCorquodale, Glass, McMillan, Manley, Kennedy, McCulley, LeFlore, Merrill, Biddle, Owens, Sandusky, Kinsey, Cooper, Waggoner, Lockett, Campbell, Cross, Johnstone, Malone, Harris, Porter, Hall, Clark, Lee, Hilliard, Holmes, Crowe, Robertson, Johnson, Harrison, Turnham, Shelton, Wyatt, Pegues, Sasser, Martin, Roberts, Sparks, Carter, Jackson (R), Tucker, Hopping, Williams, Foles, Ford, Armstrong, Jolly, Andrews,

Trammell, Falkenburg, Coburn, Teague, Greer, White, Moore (O), Baker, McNees, Reed, Smith (C), McCluskey, Warren, Dial, Gregg, Albright, Quarles, Morris, Lewis, Venable, Cates, Folmar and Hines:

H. 72. To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the 1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder or that were originally issued by the State or Alabama State Docks Department or any predecessor to the said Department, with respect to State Docks Facilities at the Port of Mobile; and to repeal any laws or parts of laws conflicting with the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 72. To the Committee on Seaports and Inland Waterways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, McCorquodale, Glass, McMillan, LeFlore, Kennedy, McCulley, Sonnier, Merrill, Manley, Biddle, Owens, Sandusky, Kinsey, Waggoner, Cooper, Lockett, Campbell, Cross, Johnstone, Malone, Jackson (R), Tucker, Hopping, Porter, Hall, Boles, Williams, Ford, Armstrong, Jolly, Andrews, Trammell, Falkenburg, Greer, Coburn, Teague, White, Moore (O), Baker, McNees, Smith (C), Reed, McCluskey, Wyatt, Warren, Dial, Gregg, Albright, Quarles, Morris, Lewis, Venable, Cates, Folmar, Hines,

Clark, Lee, Holmes, Hilliard, Crowe, Robertson, Johnson, Shelton, Turnham, Harrison, Pegues, Sasser, Martin, Roberts, Sparks, Carter and Harris:

H. 71. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, and issuing the said general obligation bonds and any bonds issued to refund the said bonds and to act also as the agency for the authorization, sale and issuance of any bonds at any time issued by the State or any other entity in respect of the State Docks Facilities at the Port of Mobile; and to designate the composition of such public corporation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 71. To the Committee on Seaports and Inland Waterways.

(The above Bill was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCluskey, Crowe, Biddle, Pegues and Campbell:

H. 30. To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub. L. 91-646, Title 2, §§ 207 & 210, 84 Stat. 1898 and 1899, 42 USCA, §§ 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 30. To the Committee on Local Government.

FURTHER CONSIDERATION OF S. B. 22

The Senate proceeded to further consideration of the Bill, S. B. 22.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 3. Commending Senator James B. Allen for his service in the United States Senate and for his stand against changing Senate Rule 22.

Also:

H. J. R. 6. Commending Mr. Joseph W. Perkins.

Also:

H. J. R. 7. Urging the resumption of intercollegiate athletic activities between Birmingham Southern College and Samford University.

Also:

H. J. R. 8. Commending Donald Comer, III, upon becoming President of Avondale Mills.

Also:

H. J. R. 9. Commending Judge William C. Sullivan.

Also:

H. J. R. 10. Congratulating Miss Ruth Elizabeth Penny for being named Blind Worker of the Year.

Also:

H. J. R. 11. Commending Bob Kyle, upon his retirement, for his outstanding achievements in the journalistic field and his many years of service to the community and the State.

Also:

H. J. R. 12. Congratulating Coach Floyd Laisure and the Alabama State University Basketball Team on their outstanding season and their invitation to the NCAA Division II Regional Basketball Tournament.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 22

The Senate proceeded to further consideration of the Bill, S. B. 22.

On motion of Mr. Bank, further consideration of the Bill, S. B. 22, was indefinitely postponed by the Senate.

RESOLUTION

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE STATE ETHICS ACT.

WHEREAS Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), known as the State Ethics Act, was a well-intentioned but ill-conceived effort to provide this state with effective ethics legislation; and

WHEREAS this Act was not well thought out but was passed in haste, and

WHEREAS the resulting ambiguities and inequities in this Act have caused much confusion and have prompted many objections from all quarters, emphasizing the need for serious reconsideration of this Act; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the State Ethics Act. Such committee shall be composed of the Chairman of the Senate Judiciary Committee, who shall serve as Chairman of the interim committee, and the Chairman of the House Judiciary Committee, who shall serve as Vice-Chairman of the interim committee, 5 members of the House to be appointed by the Speaker of the House, and 5 members of the Senate to be appointed by the President of the Senate.

It shall be the duties of the committee to study the provisions of Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), and recommend to the legislature whatever changes, revisions or alternative legislation it deems desirable. Members of the committee shall receive no compensation for their services but shall be entitled to their regular legislative pay and expenses to be paid out of funds appropriated for the use of the legislature. The committee shall report its findings, conclusions, and recommendations to the legislature not later than the tenth legislative day of its next regular session, whereupon the committee shall be dissolved.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 14. To provide for a summary distribution for estates of \$3,000 or less (less all liens and encumbrances), upon the transfer of an affidavit, without administration as is required by existing laws.

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 14, to-wit:

AMENDMENT TO S. B. 14

Amend Section 2 of S. B. 14 by striking out the word "certified" in (7) in line 34 on page 2.

Amend Section 2 of S. B. 14 by striking out the word "distributed" in (8) in line 37 on page 2 and inserting in lieu thereof the word paid.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Weaver, Wilson.

—25

Nays:

—0

And said Bill, S. B. 14, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—27

Nays:

—0

FURTHER CONSIDERATION OF S. J. R. 9

The Senate proceeded to further consideration of the Resolution:

S. J. R. 9. Creating a Select Joint Interim Committee to Study Current System of Governing the Institutions of Higher Learning in Alabama.

Messrs. Baker and Foshee offered the following substitute for the Resolution, S. J. R. 9, to-wit:

SUBSTITUTE FOR S. J. R. 9

S. J. R. 9. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY CURRENT SYSTEM OF GOVERNING THE INSTITUTIONS OF HIGHER LEARNING IN ALABAMA.

WHEREAS, considerable questions have been raised as to whether or not the State of Alabama is using the best system for governing its institutions of higher learning; and

WHEREAS, various and different plans of reorganization concerning higher education have been suggested; and

WHEREAS, it is highly desirable for the Alabama Legislature to have a select committee study the various methods employed now or suggested for governing the many different types of institutions of higher learning in this State.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created a joint select interim committee to be composed of six members of the House and six members of the Senate, to be appointed by the presiding officer of each house. The President of the Senate shall appoint from the membership a chairman, and the Speaker of the House shall appoint a vice-chairman for the committee. The committee shall study all facets of the current system of governing the institutions of higher learning within the State of Alabama. It shall also consider all other alternate plans of governing said institutions now employed in other states as well as any other proposed plans now being considered in Alabama or otherwise.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistants as may be necessary for the committee's work. The committee shall report its preliminary findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of the next Regular Session and said committee shall continue in existence and make a final report of its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the next Regular Session of the Legislature after 1975, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, or warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

Which was adopted.

And said Resolution, S. J. R. 9, as thus amended by the substitute, was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 31. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King,

Little, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—26

Nays:

—0

The Bill:

S. 39. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employee's retirement system, and to provide for the manner of their employment and regulation of their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Weaver.

—28

Nays:

—0

The Bill:

S. 6. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

was taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 6, to-wit:

AMENDMENT TO S. B. 6

Amend Senate Bill No. 6, Page 18, Line 20, by inserting after subparagraph (2) the following:

“(3) Any state employee who formerly was employed by a county

governing body shall be allowed to count the time employed as a county employee prior to becoming a state employee upon paying into the retirement system a sum of money to be determined by the Employee's Retirement System as the employee's contribution to the system."

Also add to the title the following:

"also to provide that certain state employees may count time as county employee prior to becoming state employee, provided they pay into the retirement fund sufficient amounts as their contribution."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McDonald (S), Mims, Pearson, Perloff, St. John, Shelby, Stewart, Vacca.

—20

Nays:

—0

And said Bill, S. B. 6, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), Mims, Pearson, Perloff, St. John, Shelby, Stewart, Vacca, Weaver.

—20

Nays:

—0

The Bill:

S. 5. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a

City where a "restaurant" or "club" liquor license is otherwise authorized by law.

was taken up.

Mr. King offered the following amendment to the Bill, S. B. 5, to-wit:

AMENDMENT TO S. B. 5

Amend S. B. 5 by adding the following Section 3 and renumbering subsequent Sections.

"Section 3. When any license is issued pursuant to this act to an authority created by municipal ordinance, the City Council or like governing body of the City wherein a civic center is located shall have the authority and the duty to fix reasonable rules and regulations for the sale of alcoholic beverages in such civic center, including rules and regulations as to times and places wherein alcoholic beverages may be sold within such civic center, and the types of meetings and functions at which the same may be sold."

Which was adopted.

Yeas 12; Nays 7.

Yeas:

Messrs. Adams, Baker, Ellis, King, McDonald (A), Perloff, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—12

Nays:

Messrs. Edwards, Fine, Flippo, Foshee, Givhan, Little, Mims.

—7

And said Bill, S. B. 5, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 6.

Yeas:

Messrs. Adams, Foshee, King, McDonald (A), McDonald (S), Perloff, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—12

Nays:

Messrs. Edwards, Ellis, Fine, Flippo, Little, Mims.

—6

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Holley, Folmar, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 19. WISHING REPRESENTATIVE FRANK JACKSON A SPEEDY RECOVERY.

WHEREAS our brother legislator, the Honorable Frank Jackson of Covington County, is presently recovering from an illness and is now hospitalized in Montgomery, Alabama; and

WHEREAS his wise advice and rare good humor are sorely missed by his brother legislators; and

WHEREAS the Legislature does not seem the same without him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish Representative Frank Jackson a speedy and full recovery and an early return to his seat in the House of Representatives.

BE IT FURTHER RESOLVED That the Clerk of the House send Representative Jackson a copy of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Rules were suspended and the Resolution, H. J. R. 19, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Holmes and Reed:

H. J. R. 20. ENCOURAGING THE STATE PERSONNEL DIRECTOR NOT TO AUTHORIZE THE PROVISIONAL APPOINTMENT OF ANY APPOINTEE TO A POSITION IN THE CLASSIFIED SERVICE UNTIL A PUBLIC ANNOUNCEMENT HAS BEEN MADE THAT SUCH POSITION IS VACANT.

WHEREAS Code of Alabama 1940, Title 55, Section 308 provides for certain extraordinary appointments to positions normally subject to be filled through merit system procedures; and

WHEREAS provisional appointments are allowed under said Section 308, subject to authorization by the State Personnel Director, whenever peculiar or exceptional qualifications are required, or where no merit system classification exists; and

WHEREAS these provisional appointments are often filled before many of those persons possessing such peculiar or exceptional qualifications know that a vacancy in such position exists; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the State Personnel Director to refuse to authorize the provisional appointment of any appointee to a position in the classified service until reasonable notice has been given to the public that such position is vacant.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 20, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cross:

H. 2. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Also:

By Messrs. Sparks and Crowe:

H. 12. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk-hire help for the Tax Assessor and Tax Collector and to provide for the payment of the same for the officers of said county.

Also:

By Messrs. Sparks and Crowe:

H. 13. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Circuit Clerk and to provide for the payment of same and for said officer of such county.

Also:

By Mr. Brindley:

H. 16. To repeal Act No. 141, H. 546, 1973 Regular Session, (Acts 1973, p. 171), entitled "An Act Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide further for the clerical assistance of the county tax assessor in such counties."

Also:

By Mr. Brindley:

H. 17. Relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide for clerical assistance of the Tax Assessor and Tax Collector in such counties.

Also:

By Mr. Hines:

H. 47. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Also:

By Messrs. Venable and Plaster:

H. 48. Relating to all counties having populations of not less than 30,000 nor more than 33,575, according to the most recent federal decennial census; validating amounts expended by the county board of education as payment to the county superintendent of education for compensation and travel expense during the period September 1, 1971 through June 30, 1973.

Also:

By Messrs. Venable, Plaster, Smith (C) and Lockett:

H. 49. Relating to the 19th judicial circuit; to provide for additional expense allowance for the court reporter in said circuit.

Also:

By Mr. Folmar:

H. 50. Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county.

Also:

By Mr. Cates:

H. 52. To authorize establishment of branch banks in Butler County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF BUTLER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize establishment of branch banks in Butler County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, whose principal place of business is located in Butler County shall have the power to establish, to maintain, and to operate within the limits or boundaries of such county one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. E. Hardin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Greenville Advocate, a newspaper of general circulation published in Butler County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Jan. 16, Jan. 23, Jan. 30, and Feb. 6, all in the year 1975.

W. E. HARDIN.

Sworn to and subscribed before me February 28, 1975.

PAULINE B. FULTON,
Notary Public.

Also:

By Messrs. Crowe and Sparks:

H. 56. To provide expense allowances for members and officers of the Court of County Commissioners boards of Revenue and other like County governing bodies, in certain Counties classified on a population basis, and validates certain Expenditures already made.

Also:

By Messrs. Campbell and Manley:

H. 58. To amend Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 947, p. 187), as amended, which act provides for the maximum compensation of the county engineer of Sumter County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 947, p. 187), as amended, which act provides for the maximum compensation of the county engineer of Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, p. 187), as amended, is hereby further amended to read as follows:

“Section 8. COUNTY ENGINEER. The Board of Commissioners shall appoint a county engineer in accordance with Title 12, Section 67 of the 1940 Code. The engineer shall serve at the will and pleasure of the board and shall be paid a salary to be determined by the Commission. Subject to general supervision and control by the Board of Commissioners, the engineer shall have charge of the construction and maintenance of all county roads and bridges. The county engineer shall have the power, and it shall be his duty to: (1) employ, shall have charge of the compensation for such workmen, laborers, and overseers as are necessary to construct, repair and maintain the roads and bridges of the county; (2) supervise and control the location, placement, use, operation, and disposition of all road and bridge materials, supplies, tools, machinery, and equipment; (3) make recommendations concerning the location and extent of road and bridge construction and maintenance projects; (4) perform such engineering and surveying services as may be required by the Board of Commissioners; (5) Maintain adequate accounting records; (6) perform such other duties as may be necessary in the operation of the county highway system. The county engineer shall utilize the road equipment, materials, and labor force

in accordance with the needs of the entire county for road construction and maintenance, without regard to any district boundaries."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steve F. Martin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 9, Oct. 16, Oct. 23, and Oct. 30, all in the year 1974.

STEVE F. MARTIN.

Sworn to and subscribed before me November 1, 1974.

SANDRA L. BONDS,
Notary Public.

By Messrs. Campbell and Manley:

H. 59. Relating to Sumter County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF SUMTER

Notice is hereby given that bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Sumter County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Sumter County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steve F. Martin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the The Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on January 8, January 15, January 22, and January 29, all in the year 1975.

STEVE F. MARTIN.

Sworn to and subscribed before me February 5, 1975.

SANDRA L. BONDS,
Notary Public-Alabama State at Large.

Also:

By Messrs. Manley and Pegues:

H. 61. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Also:

By Messrs. Falkenburg and Biddle:

H. 18. Applying in every county of the state having a population of 600,000 or more according to the last or any subsequent federal census, and to provide in every such county for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospital.

Also:

By Messrs. Gafford, Biddle, Falkenburg, Andrews, White, Trammell, Hopping, Porter, Hall, Tucker, Waggoner, Armstrong, Jolly, Hilliard, Howard, Jackson (R), Leonard, Moore (O) and Boles:

H. 23. To amend further Section 6 of Act No. 556, H. 994, Regular Session 1959 (Acts 1959, p. 1376), as heretofore amended, which establishes a pension and relief system or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, which act established a pension system for officers and employees in cities having populations of 250,000 or more; so as to provide that firemen and policemen who have completed thirty years of creditable service shall not be required to contribute to the

retirement and relief fund; to provide that all contributions paid into such fund by any fireman or policeman after he has completed thirty years of creditable service shall be refunded to him in a lump sum without interest; to provide that the city shall not be required to contribute matching funds to the retirement and relief fund for any fireman or policeman who has completed thirty years of creditable service and for a refund of all contributions paid into said fund by the city to match contributions paid by any fireman or policeman after he has completed thirty years of creditable service; to provide that said refund to the city shall be paid in a lump sum without interest to the general fund of the city.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 2, 12, 13, 16, 17, 47, 48, 49, 50, 52, 56, 58, 59 and 61. To the Committee on Local Legislation No. 1.

H. B.'s 18 and 23. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Waggoner:

H. 28. To provide for, and regulate, the office of Register of the Circuit Court in every county of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a county office subject to any Civil Service Law applying to employees of the county; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Also:

By Mr. Waggoner:

H. 29. To provide that, in any county of the State having a population of 500,000 or more according to the last or any succeeding Federal census, when the governing body of the county is satisfied that a claim against the county supported by an invoice itemizing such claim is a just claim and is owing by the county, the governing body may pay the claim without said claim being verified under oath.

Also:

By Mr. Falkenburg:

H. 74. To further amend Sections 8 and 9 of Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19, 1959 (Acts of Alabama of 1959, pages 1376 et seq., which Act provides for

a supplemental pension and relief system for firemen and policemen who are members of any general pension and relief system established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951), as amended by Act No. 98, First Special Session of the Alabama Legislature, approved August 25, 1964, by Act No. 490, Regular Session of the Alabama Legislature, approved September 7, 1967, and by Act No. 1214 of the Regular Session of the Alabama Legislature, approved September 18, 1973, so as to provide in said Section 8 for payment to the widow of any deceased retiree under said supplemental system a monthly widow's allowance equal to forty-five per centum (45%) of such retiree's monthly retirement allowance immediately prior to death, and so as to provide in said Sections 8 and 9 for certain additional administrative procedures for determination of the amount of salary at retirement, for return of contributions and renewed membership upon re-employment of a retiree, for the times when the required instrument for return of contributions may be executed and for an off-set of any debt owed to the supplemental system against such widow's allowances, and further, for the deletion from said Section 8 of certain administrative procedures already accomplished.

Also:

By Messrs. Malone, Glass, Sonnier, Cooper, McCulley, Sandusky, McMillan and LeFlore:

H. 65. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in

such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

By Messrs. Callahan, Sandusky, Sonnier, Kennedy, LeFlore, Cooper, Glass, Johnstone, Malone, McMillan and McCulley:

H. 68. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegations from all counties in this state having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Also:

By Messrs. Gregg, Lutz, Smith (B) and Albright:

H. 53. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF MADISON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be interpreted and applied in a manner to fulfill the following purpose: that each citizen of Madison, County may make application to register to vote at any time the county courthouse is open for business.

Section 2. There is hereby authorized the following position and duties. Such position may be filled by any qualified person now employed by the county or hired for this specific position, except that the merit system shall set the compensation in accordance with such merit system regulations.

Section 3. The Madison County Board of Registrars are authorized to meet the number of days now provided by law and to receive and pass on applications for registration submitted by deputy registrars. Members of board of registrars may not act as deputy registrars or receive compensation as deputy registrars.

DEPUTY REGISTRARS.

(1) The board of registrars is empowered to designate one or more deputy registrars who shall serve in such capacity as the board directs. Designation to serve as deputy registrar will be in writing and cover a specific period of time, not to exceed one year without redesignation. The instrument empowering deputy registrars shall be approved by a majority of each county board, and filed as a public record by each board of registrars.

(2) Each deputy registrar shall take the oath required of registrars.

(3) Deputy registrars shall be empowered to administer oaths and shall authenticate his acts with his personal signature and the words "Deputy Registrar". A circular seal with his name, the name of the county, and the words "Deputy Registrar" may be used for this purpose at the discretion of the appropriate board of registrars, provided such seal is not used as a substitute for the deputy registrars authenticating signature.

(4) Deputy registrars may take applications at the places and times in the county designated by the board of registrars.

(5) Applications to register to vote made before deputy registrars are not intended to substitute for a personal appearance before the board of registrars. If the board of registrars can not determine the qualifications of an applicant from the application, then the applicant shall not be rejected for registration but shall be called before the board of registrars to make a determination of qualifications. The board of registrars must specify in writing on each application the reason for requiring the applicant to appear before it.

(6) Any person performing the duties of deputy registrar may be removed at any time with or without cause, by the board of registrars.

(7) The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

(8) This act shall be cumulative and shall not be construed to repeal any existing laws.

(9) This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on February 8, 10, 17 and 24, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 27 day of February, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1975.

Also:

By Messrs. Wyatt, Plaster, Lewis, Holmes and Harris:

H. 44. To permit banks now or hereafter situated in counties having populations of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census, to establish, maintain or operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Also:

By Mr. Reed:

H. 39. Relating to Macon County: Authorizing the county governing body of Macon County to establish, maintain and finance a public law library for the county and providing for its operation, supervision and control.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

This bill, if enacted, will authorize and require the Macon County governing body to establish, maintain and equip a public law library in the county courthouse and to pay the salaries of a librarian and other personnel as may be appointed. All expenditures for the library will be at the sole discretion of the county governing body and may be paid out of any appropriate county funds.

The library will be operated under the supervision and control of a committee which shall be composed of the presiding judge of the circuit court of Macon County, as chairman, one member who will be appointed by the member of the Alabama Legislature who has served the longest period of time in the House of Representatives from Macon County or District 67, and one member who will be appointed by the governing body of Macon County. The committee will appoint the librarian and other personnel and fix their salaries.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 6, Feb. 13, Feb. 20, and Feb. 27, all in the year 1975.

NEIL O. DAVIS.

Sworn to and subscribed before me February 28, 1975.

ALICE M. WHITE,
Notary Public.

Also:

By Mr. Reed:

H. 40. Relating to Macon County; to require the posting of fee for costs in all civil suits filed in any court in Macon County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF MACON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

This bill, if enacted, will require the posting of a filing fee of \$20 for payment of costs in all civil suits at the time the complaint is filed in any court in Macon County, provided this requirement shall apply only in those courts where a filing fee is not otherwise required. The filing fee will apply toward payment of costs in the case if such costs are not collected from the defendant. If court costs are collected from the defendant, the filing fee will be refunded to the plaintiff by the clerk of the court.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 6, February 13, February 20, and February 27, all in the year 1974.

NEIL O. DAVIS.

Sworn to and subscribed before me February 28, 1975.

ALICE M. WHITE,
Notary Public.

Also:

By Mr. Reed:

H. 41. Relating to Macon County: To create and establish a Small Claims Division of the Court of Common Pleas of Macon County, Alabama; and to provide for its jurisdiction and administration.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF MACON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

This bill, if enacted, will establish a Small Claims Division of the Court of Common Pleas of Macon County, Alabama to be presided over by the judge of said court who will be assisted by a judge of the Small Claims Division to be appointed by the member of the Alabama Legislature who has served in the House of Representatives from Macon County or District No. 67 for the longest period of time. The annual salary of said judge shall be fixed by the county governing body at an amount not less than \$9,000 nor more than \$10,000.

The Small Claims Division of the court will dispose of all claims in amounts not over \$250 and any judge or clerk of this division will be authorized to issue summons and complaints, all appropriate writs and process of garnishment, writs of detinue and attachment after judgment, or as provided by law. It will provide for judgments by default and for defenses thereto. It will provide for the issuance of process by personal service or by certified mail and for the payment of costs of service.

It will provide a schedule of fees varying from \$5 to \$15 for filing claims according to the amount in controversy and will make provisions for costs for other papers or writs filed, but for no other charges except service of process.

The judge of the court will prescribe procedures and forms for the court and the clerk or his deputy will assist plaintiffs in the preparation thereof upon request. It will give the clerk of the court certain authority, including the authority to hear and decide controversies by consent of the parties.

It will authorize the county governing body to compensate the judge and clerk of the court for additional duties.

It will repeal all conflicting laws and will become effective immediately upon its becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MACON

Before me the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 6, Feb. 13, Feb. 20, and Feb. 27, all in the year 1975.

NEIL O. DAVIS.

Sworn to and subscribed before me February 28, 1975.

ALICE M. WHITE,
Notary Public.

Also:

By Mr. Reed:

H. 42. Relating to Macon County: Authorizing the clerk of the circuit court to appoint retroactively a chief deputy circuit clerk and a

deputy circuit clerk number one; further authorizing the clerk of the circuit court to appoint a deputy circuit clerk number two and a bookkeeper; fixing the compensation of such appointees and providing for payment from the general funds of the county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF MACON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Macon County: Authorizing the clerk of the circuit court to appoint retroactively a chief deputy circuit clerk and a deputy circuit clerk number one; further authorizing the clerk of the circuit court to appoint a deputy circuit clerk number two and a bookkeeper; fixing the compensation of such appointees and providing for payment from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Macon County may appoint retroactive to October 1, 1973 a chief deputy circuit clerk at a salary of \$6,000.00 per annum and a deputy circuit clerk number one at a salary of \$5,000.00 per annum. Such annual salaries shall be paid in equal monthly payments from the general funds of the county.

Section 2. The clerk of the circuit court of Macon County may also appoint a deputy circuit clerk number two at a salary of \$8,000.00 per annum and a bookkeeper at a salary of \$8,000.00 per annum. Such annual salaries shall be paid in equal monthly payments from the general funds of the county.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 6, February 13, February 20, and February 27, all in the year 1975.

NEIL O. DAVIS.

Sworn to and subscribed before me 28th day of Feb., 1975.

ALICE M. WHITE,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 28, 29 and 74. To the Committee on Local Legislation No. 2.

H. B.'s 65, 68, 53, 44, 39, 40, 41 and 42. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe, Smith (M), Owens, Biddle, McCluskey, Waggoner, Merrill, Gafford, Sonnier, Moore (O), Kinsey, Weeks, Rich, Taylor, Kelley, Quarles, Morris, Hines, Glass, Warren, McCulley, Campbell, Coburn, Clark, Sandusky, Sparks, Boles, Hilliard, Jackson (R), Venable, Mitchem, Howard, Kennedy, Cooper, LeFlore, Malone, Jolly, Hopping, McCorquodale and Hill:

H. 9. To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 9. To the Committee on Business and Labor Relations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe, Smith (M), Owens, Biddle, McCluskey, Waggoner, McCorquodale, Merrill, Gafford, Sonnier, Moore (O), Kinsey, Weeks, Rich, Taylor, Kelley, Quarles, Morris, Hines, Glass, Warren, McCulley, Campbell, Coburn, Clark, Sandusky, Martin, Sparks, Boles, Venable, Mitchem, Howard, Kennedy, Cooper, Holmes, LeFlore, Malone, Jolly, Hilliard, Jackson (R), Porter, Hopping and Hill:

H. 10. To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit amount.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 10. To the Committee on Business and Labor Relations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCulley, Owens, Gafford, Sandusky, Rich, Hill, Manley, Smith (C), Dial, Campbell, Roberts, Teague, Sasser, McNees, Higginbotham, Callahan, Moore (W), Martin, Leonard, Sparks, Venable, Holmes, Falkenburg, Hines, McMillan, Williams, Carothers, Smith (J), Folmar, Smith (M), Malone, LeFlore, Reed (T), Sonnier, Whatley, Holley, Plaster, Wyatt, Barron, Harris, Lewis, Pegues, Lockett, Robertson, Edwards, Crowe, Kennedy, Shelton, Cates, Morris, Gregg, Riddick, Smith (B), McNair, McCluskey, Albright, Naramore, Carter, Warren, Johnstone, Kinsey and Mitchem:

H. 8. Naming the bridge over the Tombigbee River between Clarke and Washington Counties on U. S. Highway 43, the "Joe C. McCorquodale, Jr. Bridge."

Also:

By Messrs. Lutz, Gregg, Smith (B), Moore (W) and Albright:

H. 14. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide

the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 8. To the Committee on Rules.

H. B. 14. To the Committee on Local Government.

ADJOURNMENT

At 4:20 P.M., on motion of Mr. Fine, the Senate adjourned until Thursday, March 6, 1975, at 10 o'clock A.M.

FOURTH LEGISLATIVE DAY

THURSDAY, MARCH 6, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Rabbi David Baylinson, Temple Beth Or, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Wilson.

JOURNAL

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Owen, leaves of absence were granted Messrs. McDonald (S), Weaver, St. John and Waldrop for today.

RESOLUTIONS

Mr. Flippo offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. REQUESTING THE GOVERNOR TO INCLUDE THE PROBLEMS OF AND THE FINANCING OF EDUCATION FOR THE NEXT BIENNIUM IN THE CALL OF THE SPECIAL SESSION THAT HE PLANS TO ISSUE FOR MARCH 17.

WHEREAS the Governor has made known his intentions to call a special session of the legislature for March 17 or as soon as the current session of the legislature adjourns; and

WHEREAS the problems of education and the financing of public education for the next two fiscal years is a well-known problem; and

WHEREAS the members of the legislature wish to urge the Governor to include the problems of education and the financing of public education for the next two fiscal years in his call of the legislature into special session on March 17; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urge Governor Wallace to include the problems of education and the financing of public education for the next two fiscal years in his call of the legislature into special session on March 17 or as soon as the current session of the legislature has adjourned.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent immediately to the Governor.

On motion of Mr. Flippo, the Rules were suspended and the Resolution was adopted by the Senate.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Owen, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

RESOLUTIONS

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. MOURNING THE DEATH OF GEORGE W. (BILL) PERRY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of George W. (Bill) Perry, Wedowee, Alabama; and

WHEREAS this eminent young man was born August 19, 1954; and

WHEREAS Bill Perry was an outstanding member and leader of the Wedowee Boys' Choir; and

WHEREAS Bill Perry was a young man of integrity and dignity, loyal to his friends, and dedicated, as a member of the Wedowee United Methodist Church, to his church; and

WHEREAS Bill Perry gained the respect and fond feelings of his teachers and his peers at Southern Union State Junior College; and

WHEREAS George W. (Bill) Perry was killed as a result of an automobile accident on March 1, 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Bill Perry and express our deep and sincere sympathy to his parents Mayor and Mrs. George W. Perry, Wedowee, Alabama, to whom a copy of this resolution shall be sent.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. COMMENDING MR. GAY FOSTER FOR TWENTY-EIGHT YEARS OF SERVICE ON THE RANDOLPH COUNTY COMMISSION.

WHEREAS this body would like to commend Mr. Gay Foster for his twenty-eight years of service on the Randolph County Commission; and

WHEREAS Mr. Foster served the people of the second district of Randolph County for seven consecutive four-year terms; and

WHEREAS during his long tenure in office Mr. Foster was sensitive to the needs of his community, and worked with diligence for every worthwhile endeavor for the betterment of his area.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Mr. Foster, a man who has made a significant and lasting contribution to his area and to the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Gay Foster.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. MOURNING THE DEATH OF LEON COLLACE CARROLL.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Leon Collace Carroll of Troy, Alabama; and

WHEREAS Mr. Carroll was killed on February 25, 1975 in the performance of his duties as an employee of the state highway department; and

WHEREAS Leon Carroll was a friendly man who gained the respect and fond feelings of those who knew him, whether friend or mere acquaintance; and

WHEREAS during his 23 years of service to the State of Alabama, Leon Carroll worked with diligence, loyalty, and competence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Leon Collace Carroll and express our deep and sincere sympathy to his widow, Mrs. Elma Carroll, and his daughter, Miss Carla Carroll, to whom copies of this resolution shall be sent.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Lutz, Albright, Gregg, Riddick, Smith (B) and Moore (W):

H. J. R. 16. Congratulating the Gurley Tigers Basketball Team.

Also:

By Messrs. Crawford and Sasser:

H. J. R. 17. Congratulating Miss Pam Flowers upon her selection as the 1975 Miss Alabama-Universe.

Also:

By Messrs. Crawford and Sasser:

H. J. R. 18. Congratulating Miss Gayle Beasley for being selected Miss Troy State University.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolutions, H. J. R.'s 16, 17 and 18, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford and Jolly:

H. J. R. 28. AMENDING SECTION (e) OF S. J. R. 15, ACT NO. 15, ORGANIZATIONAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Section (e), Senate Joint Resolution 15, Act No. 15, Organizational Session 1975, be and said Section (e) is hereby amended to read as follows:

“(e) The compensation of committee employees shall be paid as provided in Code, 1940, Title 32, Sections 13 and 14. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions, except that members shall be compensated for their actual travel expenses incurred by travel outside Montgomery in the performance of committee duties. Such compensation and expenses shall be paid in the same manner as those provided them for legislative sessions.”

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 28, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Messrs. Flippo and Torbert offered the following Notice in Writing, to-wit:

Notice is hereby given that on the next Legislative Day a motion will be made to amend Senate Rule 34 by adding at the end of the first sentence thereof the following:

“; provided, that this question shall not be put until all debate has ended on the bill or resolution at issue, or as provided by Senate Rule 20.”

Which was read and ordered spread upon the Journal.

RECESS

At 10:13 A.M., on motion of Mr. Owen, the Senate took a recess until 4 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan, et al (With Substitute):

H. 71. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, and issuing the said general obligation bonds and any bonds issued to refund the said bonds and to act also as the agency for the authorization, sale and issuance of any bonds at any time issued by the State or any other entity in respect of the State Docks Facilities at the Port of Mobile; and to designate the composition of such public corporation.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Callahan, et al (With Substitute):

H. 72. To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the 1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder or that were originally issued by the State or Alabama State Docks Department or any predecessor to the said Department, with respect to State Docks Facilities at the Port of Mobile; and to repeal any laws or parts of laws conflicting with the provisions of this act.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said Committee, in Session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan, et al:

H. 69. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford, et al (With Amendment):

H. 23. To amend further Section 6 of Act No. 556, H. 994, Regular Session 1959 (Acts 1959, p. 1376), as heretofore amended, which establishes a pension and relief system or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, which act established a pension system for officers and employees in cities having populations of 250,000 or more; so as to provide that firemen and policemen who have completed thirty years of creditable service shall not be required to contribute to the retirement and relief fund; to provide that all contributions paid into such fund by any fireman or policeman after he has completed thirty years of creditable service shall be refunded to him in a lump sum without interest; to provide that the city shall not be required to contribute matching funds to the retirement and relief fund for any fireman or policeman who has completed thirty years of creditable service and for a refund of all contributions paid into said fund by the city to match contributions paid by any fireman or policeman after he has completed thirty years of creditable service; to provide that said refund to the city shall be paid in a lump sum without interest to the general fund of the city.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Falkenburg and Biddle:

H. 18. Applying in every county of the state having a population of 600,000 or more according to the last or any subsequent federal census, and to provide in every such county for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospital.

By Mr. Waggoner:

H. 29. To provide that, in any county of the State having a population of 500,000 or more according to the last or any succeeding Federal census, when the governing body of the county is satisfied that a claim against the county supported by an invoice itemizing such claim is a just claim and is owing by the county, the governing body may pay the claim without said claim being verified under oath.

By Mr. Falkenburg:

H. 74. To further amend Sections 8 and 9 of Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19, 1959 (Acts of Alabama of 1959, pages 1376 et seq., which Act provides for a supplemental pension and relief system for firemen and policemen who are members of any general pension and relief system established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951), as amended by Act No. 98, First Special Session of the Alabama Legislature, approved August 25, 1964, by Act No. 490, Regular Session of the Alabama Legislature, approved September 7, 1967, and by Act No. 1214 of the Regular Session of the Alabama Legislature, approved September 18, 1973, so as to provide in said Section 8 for payment to the widow of any deceased retiree under said supplemental system a monthly widow's allowance equal to forty-five per centum (45%) of such retiree's monthly retirement allowance immediately prior to death, and so as to provide in said Sections 8 and 9 for certain additional administrative procedures for determination of the amount of salary at retirement, for return of contributions and renewed membership upon re-employment of a retiree, for the times when the required instrument for return of contributions may be executed and for an off-set of any debt owed to the supplemental system against such widow's allowances, and further, for the deletion from said Section 8 of certain administrative procedures already accomplished.

Mr. Weaver, Chairman of the Standing Committee on Business and Labor Relations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crowe, et al:

H. 9. To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

Mr. Weaver, Chairman of the Standing Committee on Business and Labor Relations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crowe, et al (With Amendment):

H. 10. To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit amount.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McCluskey, Crowe, Biddle, Pegues and Campbell:

H. 30. To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub. L. 91-646, Title 2, §§ 207 & 210, 84 Stat. 1898 and 1899,

42 USCA, §§ 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

By Messrs. Lutz, Gregg, Smith (B), Moore (W) and Albright:

H. 14. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", and board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCulley, et al:

H. 8. Naming the bridge over the Tombigbee River between Clarke and Washington Counties on U. S. Highway 43, the "Joe C. McCorquodale, Jr. Bridge."

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cross:

H. 2. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

By Messrs. Sparks and Crowe:

H. 12. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk-hire help for the Tax Assessor and Tax Collector and to provide for the payment of the same for the officers of said county.

By Messrs. Sparks and Crowe:

H. 13. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Circuit Clerk and to provide for the payment of same and for said officer of such county.

By Mr. Brindley:

H. 16. To repeal Act No. 141, H. 546, 1973 Regular Session, (Acts 1973, p. 171), entitled "An Act Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide further for the clerical assistance of the county tax assessor in such counties."

By Mr. Brindley:

H. 17. Relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide for clerical assistance of the Tax Assessor and Tax Collector in such counties.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Reed (with notice and proof) (With Substitute):

H. 39. Relating to Macon County: Authorizing the county governing body of Macon County to establish, maintain and finance a public law library for the county and providing for its operation, supervision and control.

By Mr. Reed (with notice and proof) (With Substitute):

H. 42. Relating to Macon County: Authorizing the clerk of the circuit court to appoint retroactively a chief deputy circuit clerk and a deputy circuit clerk number one; further authorizing the clerk of the circuit court to appoint a deputy circuit clerk number two and a bookkeeper; fixing the compensation of such appointees and providing for payment from the general funds of the county.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Wyatt, Plaster, Lewis, Holmes and Harris:

H. 44. To permit banks now or hereafter situated in counties having populations of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census, to establish, maintain or operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

By Mr. Hines:

H. 47. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

By Messrs. Venable and Plaster:

H. 48. Relating to all counties having populations of not less than 30,000 nor more than 33,575, according to the most recent federal decennial census; validating amounts expended by the county board of education as payment to the county superintendent of education for compensation and travel expense during the period September 1, 1971 through June 30, 1973.

By Messrs. Venable, Plaster, Smith (C) and Lockett:

H. 49. Relating to the 19th judicial circuit; to provide for additional expense allowance for the court reporter in said circuit.

By Mr. Folmar:

H. 50. Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county.

By Mr. Cates (with notice and proof):

H. 52. To authorize establishment of branch banks in Butler County.

By Messrs. Manley and Pegues:

H. 61. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

By Mr. Malone, et al:

H. 65. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more

transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in

labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

By Mr. Callahan, et al:

H. 68. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegations from all counties in this state having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

By Messrs. Gregg, Lutz, Smith (B) and Albright (with notice and proof):

H. 53. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

By Messrs. Crowe and Sparks:

H. 56. To provide expense allowances for members and officers of the Court of County Commissioners boards of Revenue and other like County governing bodies, in certain Counties classified on a population basis, and validates certain Expenditures already made.

By Messrs. Campbell and Manley (with notice and proof):

H. 58. To amend Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 947, p. 187), as amended, which act provides for the maximum compensation of the county engineer of Sumter County.

By Messrs. Campbell and Manley (with notice and proof):

H. 59. Relating to Sumter County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 21. Establishing the Madison County Elected Officials Salary Commission.

On motion of Mr. King, said Resolution was then concurred in and adopted by the Senate.

ADJOURNMENT

At 4:45 P.M., on motion of Mr. Fine, the Senate adjourned until Friday, March 7, 1975, at 10 o'clock A.M.

FIFTH LEGISLATIVE DAY

FRIDAY, MARCH 7, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank W. Aderholdt, Assistant Minister, First Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 19. WISHING REPRESENTATIVE FRANK JACKSON A SPEEDY RECOVERY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Robertson, Clark, Lee, Howard and Owens:

H. 62. To provide for the appointment and compensation of a secretarial assistant to each circuit judge in the sixth judicial circuit.

Also:

By Mr. Cross:

H. 75. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Also:

By Messrs. Sparks and Crowe:

H. 84. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk-hire help for the Probate Judge and to provide for the payment of the same for the office of said county.

Also:

By Messrs. Plaster and Lockett:

H. 85. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

Also:

By Mr. Hines:

H. 45. To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 62 and 45. To the Committee on Judiciary.

H. B.'s 75, 84 and 85. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Cross:

H. J. R. 22. Commending the Mount Hope High School Basketball Team for its outstanding season.

Also:

By Messrs. Moore (W), Riddick, Gregg, Smith (B), Albright and Lutz:

H. J. R. 24. Congratulating the Sparkman Senators Basketball Team.

Also:

By Messrs. Gregg, Riddick, Moore (W), Albright and Smith (B):

H. J. R. 25. Commending the Huntsville City Council on the opening of the Von Braun Civic Center.

Also:

By Messrs. Gregg, Riddick, Moore (W), Albright and Smith (B):

H. J. R. 26. Commending the Von Braun Civic Center Board.

Also:

By Messrs. Gregg, Riddick, Lutz, Albright, Smith (B) and Moore (W):

H. J. R. 27. Commending the Johnson High School Basketball Team for winning the district championship.

Also:

By Mr. Glass:

H. J. R. 30. Mourning the death of Lorin A. Edwards.

Also:

By Mr. Glass:

H. J. R. 31. Mourning the death of Miss Wendy Hall.

Also:

By Mr. Glass:

H. J. R. 32. Commending the Theodore High School marching band.

Also:

By Mr. Smith (C):

H. J. R. 33. Commending the Montevallo High School Basketball Team.

Also:

By Mr. Holley:

H. J. R. 34. Commending the New Brockton High School Basketball Team for winning the area 3 basketball tournament.

Also:

By Mr. Dial:

H. J. R. 35. Commending Mrs. Mayburn Teague for her contributions to education.

Also:

By Messrs. Moore (O), Waggoner and Smith (C):

H. J. R. 36. Commending the Shelby County Board of Education and schools for their "Kitti Klean" program.

Also:

By Messrs. Harrison, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatlev, White, Williams and Wyatt:

H. J. R. 37. Wishing Chris McNair a speedy recovery from his recent illness.

Also:

By Mr. Gafford:

H. J. R. 38. Inviting Denny Ragland to visit the legislature and to meet the governor.

Also:

By Mr. McNees:

H. J. R. 39. Congratulating the Sulligent Blue Devils Basketball Team.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 22, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. MOURNING THE DEATH OF C. L. STARLING, SLAIN ATTALLA POLICE OFFICER.

Also:

S. J. R. 4. MOURNING THE DEATH OF F. T. DOBBS.

Also:

S. J. R. 5. THANKING MRS. MARTHA WILLIAMS OF THE LEGISLATIVE REFERENCE SERVICE STAFF FOR HER OUTSTANDING SERVICE AND WISHING HER A LONG AND HAPPY RETIREMENT.

Also:

S. J. R. 6. COMMENDING THE ENLISTED NATIONAL GUARD ASSOCIATION OF ALABAMA AND ENCOURAGING ALL MEMBERS OF THE ALABAMA NATIONAL GUARD TO JOIN THE ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cross, Drake, Sparks, Moore (W), Starkey, Roberts, Killian, Weeks, Brindley, Hines, McMillan, Hill, Kelley, Ford, Rich, Naramore, Martin, McNees, Goodwin, Mitchem, Carter, Robertson, Greer and Venable:

H. J. R. 23. MEMORIALIZING THE PRESIDENT AND CONGRESS TO SUPPORT THE NOMINATION OF HORACE MAYNARD LAYMAN TO THE TVA BOARD OF DIRECTORS

WHEREAS there will be a vacancy on the TVA Board of Directors on May 18, 1975; and

WHEREAS no native Alabamian has ever served on the TVA Board of Directors; and

WHEREAS Horace Maynard Layman has proven himself to be an influential leader by making great contributions to the sound industrial, farming and commercial development of his native State of Alabama. He has served as a consultant with the Alabama Cotton Legislative Study Committee, has been a soil conservation supervisor since its establishment in Alabama, is a former member of the Agricultural Center Board and is a former member of the National Feed Grain Advisory Committee; and

WHEREAS Horace Maynard Layman has been named Alabama's "Man of the Year" in service to agriculture by The Progressive Farmer; and

WHEREAS Mr. Layman possesses a vast knowledge of the needs of the TVA region. He was born in Huntsville, Alabama, and has lived his adult life in Decatur, Alabama. Since 1930 he has been associated with The Decatur Daily. On numerous occasions he has carried the voice of the Alabama and the Southeastern farmer to Washington; and

WHEREAS Mr. Layman has been recommended for this position by Senator John Sparkman and Representative Robert E. Jones, senior members of the United States Senate and House of Representatives from Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recommend to President Ford and the Alabama congressional delegation the nomination of Horace Maynard Layman to the TVA Board of Directors.

RESOLVED FURTHER, That a copy of this resolution be sent to President Gerald Ford, to each member of the Alabama congressional delegation, and to Mr. Barrett Shelton, publisher of The Decatur Daily.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Edwards, the Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Roberts offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. When the Legislature adjourns today, March 7, 1975, it will adjourn sine die.

On motion of Mr. Roberts, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 12. Amending Section (e) of S. J. R. 15, Act No. 15, Organizational Session 1975.

On motion of Mr. Mitchell, said Resolution was then adopted by the Senate.

MOTION IN WRITING

Messrs. Flippo and Torbert offered the following Motion in Writing, to-wit:

We move that Senate Rule 34 be amended by adding at the end of the first sentence thereof the following:

“; provided, that this question shall not be put until all debate has ended on the bill or resolution at issue, or as provided by Senate Rule 20.”

Which was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. COMMENDING THE CRENSHAW CHRISTIAN ACADEMY BASKETBALL TEAM FOR WINNING THE ALABAMA PRIVATE SCHOOL ATHLETIC ASSOCIATION STATE TOURNAMENT.

WHEREAS the Crenshaw Christian Academy basketball team, affectionately called the "Cougars," recently won the Alabama Private School Athletic Association State Basketball Tournament for the second straight year; and

WHEREAS the Crenshaw Christian Academy Cougars earlier won the Division IV Tournament, the Bullock Invitational Tournament, and the Crenshaw Christian Invitational Tournament; and

WHEREAS Crenshaw Christian Academy won 32 games this season without a single defeat, and has won 36 games in a row, and has won 57 out of their last 61 games; and

WHEREAS, Jeff Morgan and Tony Williamson of Crenshaw Christian Academy were selected to the All-Tournament team and Greg Morgan was selected Most Outstanding Player of the tournament; and

WHEREAS the Crenshaw Christian Academy Cougars are a reflection on their faculty, parents, and the good citizens of their area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Crenshaw Christian Academy for winning the 1975 Alabama Private School Athletic Association State Basketball Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Charles Clark and to the Crenshaw Christian Academy basketball team.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. COMMENDING THE WILCOX ACADEMY BASKETBALL TEAM FOR AN OUTSTANDING PERFORMANCE WHICH MERITED THE RUNNER-UP SPOT IN THE ALABAMA PRIVATE SCHOOL ASSOCIATION STATE BASKETBALL TOURNAMENT.

WHEREAS the Wilcox Academy Wildcats basketball team recently merited the runner-up spot in the Alabama Private School Association State Basketball Tournament; and

WHEREAS the Wilcox Academy Wildcats earlier won the Katherine Academy Invitational Tournament and the Wilcox Academy Invitational Tournament; and

WHEREAS The Wilcox Academy had an outstanding season record of 25 wins and only 5 losses; and

WHEREAS three members of the Wilcox Academy team, Frank Dobson, Tom Fendley and Wesley Kennedy, were selected to the All-Tournament Team; and

WHEREAS The coaches and team are due much credit for the high degree of technical skill displayed by the team and for their fine spirit and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Wilcox Academy for an outstanding performance which merited the runner-up spot in the Alabama Private School Association State Basketball Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Head Coach Connie McKelvey, to Assistant Coach John Ross and to the Wilcox Academy basketball team.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 18. Applying in every county of the state having a population of 600,000 or more according to the last or any subsequent federal census, and to provide in every such county for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

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Nays:

—0

The Bill:

H. 74. To further amend Sections 8 and 9 of Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19, 1959 (Acts of Alabama of 1959, pages 1376 et seq., which Act provides for a supplemental pension and relief system for firemen and policemen who are members of any general pension and relief system established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951), as amended by Act No. 98, First Special Session of the Alabama Legislature, approved August 25, 1964, by Act No. 490, Regular Session of the Alabama Legislature, approved September 7, 1967, and by Act No. 1214 of the Regular Session of the Alabama Legislature, approved September 18, 1973, so as to provide in said Section 8 for payment to the widow of any deceased retiree under said supplemental system a monthly

widow's allowance equal to forty-five per centum (45%) of such retiree's monthly retirement allowance immediately prior to death, and so as to provide in said Sections 8 and 9 for certain additional administrative procedures for determination of the amount of salary at retirement, for return of contributions and renewed membership upon re-employment of a retiree, for the times when the required instrument for return of contributions may be executed and for an off-set of any debt owed to the supplemental system against such widow's allowances, and further, for the deletion from said Section 8 of certain administrative procedures already accomplished.

was taken up.

Mr. McMillan offered the following amendment to the Bill, H. B. 74, to-wit:

AMENDMENT TO H. B. 74

Amend House Bill No. 74 on Page 3, lines 4, 5, and 6, by striking out the words "thirty (30) years creditable time under Act No. 929 had he continued to remain in the service. After Act No. 929 has been."

and

Also, page 5, line 20 by inserting the words "is amended" after the word "amended,"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

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And said Bill, H. B. 74, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 2. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Flipppo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

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The Bill:

H. 12. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk-hire help for the Tax Assessor and Tax Collector and to provide for the payment of the same for the officers of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 13. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Circuit Clerk and to provide for the payment of same and for said officer of such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 16. To repeal Act No. 141, H. 546, 1973 Regular Session, (Acts 1973, p. 171), entitled "An Act Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the

most recent federal decennial census; to provide further for the clerical assistance of the county tax assessor in such counties."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (S), Mims, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 17. Relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide for clerical assistance of the Tax Assessor and Tax Collector in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

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Nays:

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The Bill:

H. 23. To amend further Section 6 of Act No. 556, H. 994, Regular Session 1959 (Acts 1959, p. 1376), as heretofore amended, which establishes a pension and relief system or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, which act established a pension system for officers and employees in cities having populations of 250,000 or more; so as to provide that firemen and policemen who have completed thirty years of creditable service shall not be required to contribute to the retirement and relief fund; to provide that all contributions paid into such fund by any fireman or policeman after he has completed thirty years of creditable service shall be refunded to him in a lump sum without interest; to provide that the city shall not be required to contribute matching funds to the retirement and relief fund for any fireman or policeman who has completed thirty years of creditable service and for a refund of all contributions paid into said fund by the city to match contributions paid by any fireman or policeman after he has completed thirty years of creditable service; to provide that said refund to the city shall be paid in a lump sum without interest to the general fund of the city.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 23, to-wit:

COMMITTEE AMENDMENT TO H. B. 23

Amend H. B. 23 on page 1, line 29 by adding a period at the end of line 29 and striking lines 30, 31, 32, 33 and 34.

On page 2, line 32, strike the words "Provided further" and all of lines 33, 34, 35, 36 and 37

On page 3, line 4, strike the words "of the city."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

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And said Bill, H. B. 23, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

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CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Perry, further consideration of the Bill, H. B. 39, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 44. To permit banks now or hereafter situated in counties having populations of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census, to establish, maintain or operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 47. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 42. Relating to Macon County: Authorizing the clerk of the circuit court to appoint retroactively a chief deputy circuit clerk and a deputy circuit clerk number one; further authorizing the clerk of the circuit court to appoint a deputy circuit clerk number two and a bookkeeper; fixing the compensation of such appointees and providing for payment from the general funds of the county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 42, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 42

A BILL TO BE ENTITLED AN ACT

Relating to Macon County: Authorizing the county commission or other like governing body of Macon County to hire, retroactive at its discretion, up to four deputy circuit court clerks; and prescribing the qualifications and salary limitation on said clerks.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission or other like governing body of Macon County may hire, retroactive at its discretion to October 1, 1973, four deputy circuit clerks for the circuit court of Macon County. Such clerks shall serve under the direct supervision of the circuit clerk of Macon

County. Salaries for said clerks shall be set by said commission at not more than \$8,000 annually and shall be commensurate with the qualifications and experience of said clerks. Such annual salaries shall be paid in equal monthly payments from the county general fund.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

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And said Bill, H. B. 42, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

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The Bill:

H. 48. Relating to all counties having populations of not less than 30,000 nor more than 33,575, according to the most recent federal decennial census; validating amounts expended by the county board of education as payment to the county superintendent of education for compensation and travel expense during the period September 1, 1971 through June 30, 1973.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell,

Noonan, Owen, Pearson, Perloff, Powell, St. John, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays: —0

The Bill:

H. 49. Relating to the 19th judicial circuit; to provide for additional expense allowance for the court reporter in said circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Littleton, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays: —0

The Bill:

H. 50. Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Weaver, Wilson.

—25

Nays: —0

The Bill:

H. 52. To authorize establishment of branch banks in Butler County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Owen, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays: —0

The Bill:

H. 61. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

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The Bill:

H. 65. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in

such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

Nays:

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The Bill:

H. 68. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegations from all counties in this state having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 56. To provide expense allowances for members and officers of the Court of County Commissioners boards of Revenue and other like County governing bodies, in certain Counties classified on a population basis, and validates certain Expenditures already made.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 58. To amend Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 947, p. 187), as amended, which act provides for the maximum compensation of the county engineer of Sumter County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

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The Bill:

H. 59. Relating to Sumter County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 29. To provide that, in any county of the State having a population of 500,000 or more according to the last or any succeeding Federal census, when the governing body of the county is satisfied that a claim against the county supported by an invoice itemizing such claim is a just claim and is owing by the county, the governing body may pay the claim without said claim being verified under oath.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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Nays:

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RESOLUTION

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. COMMENDING DON WASSON

WHEREAS for many years Don Wasson has reported the activities of the legislature and the state government from "Capitol Hill"; and

WHEREAS Don Wasson's columns have appeared in the Montgomery newspapers and have been read by thousands; and

WHEREAS Mr. Wasson has contributed immeasurably in keeping the citizens of the State of Alabama informed of the affairs of their government; and

WHEREAS Mr. Wasson exhibited ethical standards of the old school of journalism always awaiting the sacrament of confirmation on news, instead of reporting possible hearsay as factual information; and

WHEREAS Don Wasson's absence and his perspective of political news reporting will create an obvious void in news reporting; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to commend Don Wasson for his many years of service to the State of Alabama as a journalist.

RESOLVED FURTHER, That a copy of this Resolution be sent to Don Wasson.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 11 o'clock A.M., on motion of Mr. Noonan, the Senate took a recess until 12 o'clock Noon.

AFTERNOON SESSION

FIFTH LEGISLATIVE DAY

FRIDAY, MARCH 7, 1975

The Senate re-assembled in the Senate Chamber, Lieutenant Governor Beasley presiding.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 42. Relating to Macon County: Authorizing the county commission or other like governing body of Macon County to hire, retroactive at its discretion, up to four deputy circuit court clerks; and prescribing the qualifications and salary limitation on said clerks.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 23. To amend further Section 6 of Act No. 556, H. 994, Regular Session 1959 (Acts 1959, p. 1376), as heretofore amended, which establishes a pension and relief system or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, which act established a pension system for officers and employees in cities having populations of 250,000 or more; so as to provide that firemen and policemen who have completed thirty years of creditable service shall not be required to contribute to the retirement and relief fund; to provide that all contributions paid into such fund by any fireman or policeman after he has completed thirty years of creditable service shall be refunded to him in a lump sum without interest; to provide that the city shall not be required to contribute matching funds to the retirement and relief fund for any fireman or policeman who has completed thirty years of creditable service.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 74. To further amend Sections 8 and 9 of Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19, 1959 (Acts of Alabama of 1959, pages 1376 et seq., which Act provides for a supplemental pension and relief system for firemen and policemen who are members of any general pension and relief system established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951), as amended by Act No. 98, First Special Session of the Alabama Legislature, approved August 25, 1964, by Act No. 490, Regular Session of the Alabama Legislature, approved September 7, 1967, and by Act No. 1214 of the Regular Session of the Alabama Legislature, approved September 18, 1973, so as to provide in said Section 8 for payment to the widow of any deceased retiree under said supplemental system a monthly widow's allowance equal to forty-five per centum (45%) of such retiree's monthly retirement allowance immediately prior to death, and so as to provide in said Sections 8 and 9 for certain additional administrative procedures for determination of the amount of salary at retirement, for return of contributions and renewed membership upon re-employment of a retiree, for the times when the required instrument for return of contributions may be executed and for an off-set of any debt owed to the supplemental system against such widow's allowances, and further, for the deletion from said Section 8 of certain administrative procedures already accomplished.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 17. Sine die adjournment.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 10. MOURNING THE DEATH OF LEON COLLACE CARROLL.

Also:

S. J. R. 14. COMMENDING MR. GAY FOSTER FOR TWENTY-EIGHT YEARS OF SERVICE ON THE RANDOLPH COUNTY COMMISSION.

Also:

S. J. R. 15. MOURNING THE DEATH OF GEORGE W. (BILL) PERRY.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 69. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—31

Nays:

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The Bill:

H. 71. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the

development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, and issuing the said general obligation bonds and any bonds issued to refund the said bonds and to act also as the agency for the authorization, sale and issuance of any bonds at any time issued by the State or any other entity in respect of the State Docks Facilities at the Port of Mobile; and to designate the composition of such public corporation.

was taken up.

The Standing Committee on Seaports and Inland Waterways reported the following substitute for the Bill, H. B. 71, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 71

A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, and issuing the said general obligation bonds and any bonds issued to refund the said bonds and to act also as the agency for the authorization, sale and issuance of any bonds at any time issued by the State or any other entity in respect of the State Docks Facilities at the Port of Mobile; and to designate the composition of such public corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

“Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the State shall have the power to engage in works of internal improvement in connection with the development, construction, improvement, expansion, and modernization of the State Docks Facilities at the Port of Mobile.

The legislature may by appropriate laws authorize the State to become indebted and, in evidence of such indebtedness, to sell and issue its interest bearing general obligation bonds, in an aggregate principal amount not exceeding Forty-five Million Dollars (\$45,000,000), for the

purpose of paying costs of the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile, as the said facilities may at any time exist. The full faith, credit, and taxing powers of the State are hereby pledged to the prompt and faithful payment at their respective maturities of the principal of and interest on the bonds. The said bonds may be additionally secured by any special pledges that may be provided for by the legislature.

The legislature may, by appropriate laws, provide for the organization of a public corporation with power to act for the State in the authorization, sale and issuance of the said bonds and any bonds that may hereafter be issued for the purpose of refunding them, and with power also to act for the State or for Alabama State Docks Department in the authorization, sale and issuance of any bonds that may hereafter be issued for the purpose of refunding then outstanding bonds at any time issued to finance any State Docks Facilities at the Port of Mobile. The said public corporation shall consist of the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker and the Director of the State Docks Department, each of whom shall be an ex officio member of the said corporation and a member of its Board of Directors.

The legislature shall implement the provisions of this amendment by appropriate legislation."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three (3) months from final adjournment of the 1975 Second Special Session of the Legislature of Alabama. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the said election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published in a newspaper in each county of the State once a week for four (4) successive weeks next preceding the day appointed for the election. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

On motion of Mr. Roberts, said substitute for the Bill, H. B. 71, was laid on the table.

Mr. Roberts then offered the following substitute for the Bill, H. B. 71, to-wit:

SUBSTITUTE FOR H. B. 71

A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to

establish a public corporation to act as the agency of the State in authorizing, selling, issuing and approving the disbursement of the proceeds of said general obligation bonds and any bonds issued to refund the said bonds and to act also as the agency for the authorization, sale and issuance of any bonds at any time issued by the State or any other entity in respect of the State Docks Facilities at the Port of Mobile; and to designate the composition of such public corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the State shall have the power to engage in works of internal improvement in connection with the development, construction, improvement, expansion, and modernization of the State Docks Facilities at the Port of Mobile.

The legislature may by appropriate laws authorize the State to become indebted and, in evidence of such indebtedness, to sell and issue its interest bearing general obligation bonds, in an aggregate principal amount not exceeding Forty-five Million Dollars (\$45,000,000), for the purpose of paying costs of the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile, as the said facilities may at any time exist. The full faith, credit, and taxing powers of the State are hereby pledged to the prompt and faithful payment at their respective maturities of the principal of and interest on the bonds. The said bonds may be additionally secured by any special pledges that may be provided for by the legislature.

The legislature may, by appropriate laws, provide for the organization of a public corporation with power to act for the State in the authorization, sale, issuance and approval of disbursement of proceeds of the said bonds and any bonds that may hereafter be issued for the purpose of refunding them, and with power also to act for the State or for Alabama State Docks Department in the authorization, sale and issuance of any bonds that may hereafter be issued for the purpose of refunding then outstanding bonds at any time issued to finance any State Docks Facilities at the Port of Mobile. The said public corporation shall consist of the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker and the Director of the State Docks Department, each of whom shall be members of its Board of Directors.

The legislature shall implement the provisions of this amendment by appropriate legislation."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three (3) months from final adjournment of the 1975 Second Special Session of the Legislature of Alabama. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the said election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published in a newspaper in each county of the State once a week for four (4) successive weeks next preceding the day appointed for the election. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—33

Nays:

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Mr. Fine offered the following amendment to the Bill, H. B. 71, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 71

Amend House Bill No. 71, Page 1, Line 33, by striking from the said title the following words "and to act also as the agency for the authorization, sale and issuance of any bonds at any time issued by the State or any other entity in respect of the State Docks Facilities at the Port of Mobile;"

Further amend the Substitute for House Bill 71 by amending the third paragraph of the Proposed Amendment as set forth in Section 1 of the Substitute for House Bill 71 by striking from the said paragraph the following words:

"and with power also to act for the State or for Alabama State Docks Department in the authorization, sale and issuance of any bonds that may hereafter be issued for the purpose of refunding then outstanding bonds at any time issued to finance any State Docks Facilities at the Port of Mobile." and by striking the comma immediately preceding the words so struck.

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—33

Nays:

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And said Bill, H. B. 71, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 33; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—33

Nays:

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The Bill:

H. 72. To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the 1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder or that were originally issued by the State or Alabama State Docks Department or any predecessor to the said Department, with respect to State Docks Facilities at the Port of Mobile; and to repeal any laws or parts of laws conflicting with the provisions of this act.

was taken up.

The Standing Committee on Seaports and Inland Waterways reported the following substitute for the Bill, H. B. 72, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 72

A BILL TO BE ENTITLED AN ACT

To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the

1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder or that were originally issued by the State or Alabama State Docks Department or any predecessor to the said Department, with respect to State Docks Facilities at the Port of Mobile; and to repeal any laws or parts of laws conflicting with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature by the passage of this Act to implement that certain constitutional amendment of the State of Alabama proposed by the act Introduced as House Bill 72 at the 1975 Second Special Session of the Legislature of Alabama, by (i) authorizing the issuance of the interest bearing general obligation bonds of the State provided for in the said constitutional amendment, (ii) providing for the incorporation of a public corporation to act as the agency of the State in the authorization, sale and issuance of the said bonds, and to perform the other functions hereinafter specified, and (iii) providing for the expenditure of the proceeds from the said bonds. It is also the intention of the legislature that, to the extent deemed feasible in the sole discretion of Alabama State Docks Department, with the approval of the Alabama Port Authority, the proceeds from the said bonds will be used in preparation for and in anticipation of the demands that will be made upon, and the opportunities that will be available to, the Department as a result of the opening of the Tennessee-Tombigbee Waterway System. This Act is to be liberally construed in conformity with its purposes.

Section 2. The following words and phrases, wherever used in this Act, and others evidently intended as the equivalent thereof, shall in the absence of clear implication herein otherwise be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this Act under the name Alabama Port Authority.

“Board” means the board of directors of the Authority.

“Bonds” means the bonds issued under the provisions of this Act, and in Sections 11 and 12 hereof, the word “bonds” shall include also any bonds

outstanding at the effective date of this Act that were originally issued by either the State or the State Docks Department with respect to the State Docks Facilities.

"Person", unless limited to a natural person by the context in which it is used, includes a public or private corporation organized under the laws of Alabama or of another state, a municipality, a county or an agency, department or instrumentality of a county or municipality of one or more of the several states, or of the United States.

"Property" means and includes real and personal property, and interests therein.

"State" means the State of Alabama.

"State Docks Facilities" means docks and all kinds of docks facilities, including elevators, warehouses, water and rail terminals, wharves, piles, quays, compresses, cold storage facilities, loading and unloading facilities, and other related structures, facilities and equipment and property used or held for use or development of or in connection with any thereof, now or hereafter owned by the State of Alabama at the Port of Mobile.

"State Docks Department" means the Alabama State Docks Department, an agency of the State.

"State Docks Director" means the Director of State Docks or other chief executive officer of the State Docks Department.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. The Governor, the Director of Finance, one member of the State Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House, and the Director of the State Docks Department shall become a Public Corporation with the powers hereinafter provided, by proceeding according to the provisions of this Act.

Section 4. To become a corporation, the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the speaker of the House and the Director of the State Docks Department shall present to the Secretary of State of the State of Alabama an application which shall set forth: (a) the name, official designation and official residence of each of the applicants, together with certificates respecting the due election of those who are elected to the offices respectively held by them and certified copies of the commissions evidencing the due appointment of those who are appointed to the offices respectively held by them; (b) the date on which each applicant was inducted into office and the term of office of each applicant; (c) the name of the proposed public corporation, which shall be Alabama Port Authority; (d) the location of a principal office of the proposed public corporation; and (e) any other matter relating to the proposed public corporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this State to take acknowledgments to deeds. The secretary of

state shall examine the application, and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed and recorded, as herein provided, the applications shall constitute a public corporation under the name submitted in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation under the Great Seal of the State and shall record such certificate with the application. There shall be no fees paid to the secretary of state for any service rendered or work performed in connection with the Authority thus formed, its incorporation, dissolution or records.

Section 6. The Authority shall be composed of the Governor, the Director of Finance, two members of the Senate, appointed by the President of the Senate, two members of the House of Representatives, appointed by the Speaker of the House, and the Director of the State Docks Department.

The Governor shall be the president of the Authority, and the Director of Finance shall be its secretary. The Director of the State Docks Department shall be the treasurer of the Authority, and shall act as custodian of the proceeds from the sale of the bonds. The members of the Authority shall constitute all the members of the board of directors of the Authority. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director of the Authority. No member, officer or director of the Authority shall receive any compensation for any service they may render or for any duty they may perform in connection with the Authority.

The board of directors shall meet on call of the President of the Authority. All proceedings had and done by the board of directors shall be signed by the Governor, and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. The Authority shall have the following powers: (a) to have succession by its corporate name without time limit; (b) to sue others, to be sued but only for breach of contract, and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (c) to have and to use a corporate seal and to alter the same at its pleasure; (d) to act as the agency of the State in authorizing, selling, issuing, and approving disbursement of the proceeds of general obligation bonds of the State subject to the provisions of this Act; (e) to provide for and specify the details of and to supervise and make sale of, general obligation bonds of the State subject to the provisions of this Act; (f) to make studies and analyses of the operations of the State Docks Facilities, and to make the reports and recommendations provided for in Section 8 hereof; and (g) to appoint and employ such attorneys and agents as the business of the Authority may require; provided, that the Authority shall not employ fiscal agents or financial advisers in connection with the sale of bonds.

Section 8. The Authority shall have the same fiscal year as the

State. The Authority shall during each fiscal year submit a report of its activities and development plans to the legislature. It may from time to time make recommendations to the legislature, based upon study and analysis, for the better handling of commerce passing in and through the State Docks Facilities, for the increase and improvement of transportation facilities, for the more economical and expeditious handling of such commerce, and for the development and promotion of both domestic and foreign trade.

Section 9. There are hereby authorized to be issued bonds of the State in aggregate principal amount not exceeding \$45,000,000. The bonds hereby authorized shall be general obligations of the State, and the full faith, credit and taxing powers of the State are hereby irrevocably pledged for the prompt and faithful payment of the principal thereof and the interest thereon.

The bonds may be sold from time to time as the board of directors may deem advantageous; provided, that no bonds (other than refunding bonds) may be sold or issued unless the Governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to enable the Authority to promote, develop, construct, improve, expand and modernize the State Docks Facilities. Except as hereinafter limited, the bonds may be executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest, or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State, may bear interest at such rate or rates not exceeding 8% per annum payable and evidenced in such manner, may contain provisions for redemption at the option of the Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of this Act, all as shall be provided by the board of directors in the resolution or resolutions whereunder the bonds are issued. The principal of each series of the bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the board of directors under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of the same series and the last of which installments shall mature not later than thirty years after the date of the bonds of the same series. Any redemption price required to be paid in order to effect any redemption of bonds prior to maturity shall not exceed the face value of each bond redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on such bond. Each series of bonds having an installment of principal maturing more than ten years after the date thereof shall be made subject to redemption prior to maturity, at the option of the State, at the end of the tenth year following their date and semiannually thereafter in such manner as may be specified in the resolution authorizing such series.

None of the bonds shall be sold for less than its face value plus accrued interest thereon to the date of their delivery, and all of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that, if no bid deemed acceptable by the Authority is received, all bids may be rejected. Notice of each bond sale shall be given by the Authority by

publication in either a financial journal or a financial newspaper published in New York, New York, at least one time not less than ten days prior to the date fixed for the sale. The Authority shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this Act. The Authority is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the Authority may prescribe, and again converted into bearer bonds, all without the payment of any fee by the holder of any such bonds.

The bonds shall not be valid unless the Governor shall approve the terms and conditions under which they were authorized by the board to be issued. Such approval shall be entered on the minutes of the meeting of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may, but need not, be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization hereof is contained in the said approval signed by him.

The bonds shall be executed in the name of the State by the Governor or by the Director of Finance, and the Great Seal of the State, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and attested by the Secretary of State. If the bonds are executed by the Director of Finance, such execution shall be approved on the face of the bonds by the Governor. A facsimile of the signature of any of said officials may be printed or otherwise reproduced on any of the bonds in lieu of being manually signed thereon, provided that the signature of at least one of the said officials shall be manually signed thereon. The coupons evidencing any installments of interest on the bonds shall be executed with a facsimile of the signature of the State Treasurer printed or otherwise reproduced thereon. Each such facsimile of a signature shall be valid in all respects as if the officials the facsimiles of whose signatures are so used had signed the bonds in person. Any signature, whether manual or facsimile, which appears on any of the bonds and which purports to be the signature of the person acting as one of the officials hereinabove specified shall be treated in all respects as if it were the signature (whether manual or facsimile, as the case may be) of that official. The Great Seal of the State so used shall be valid in all respects as if the Great Seal of the State had been manually affixed to the bonds. In the event any official who shall sign the bonds or the facsimile of whose signature shall appear thereon shall thereafter cease to hold office before the bonds are delivered and paid for, the bonds and the coupons applicable thereto shall nevertheless be valid for all purposes to the same extent as if the official who signed the bonds or the facsimile of whose signature appears thereon had remained in office until all of the bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

The bonds and the income therefrom shall be exempt from all taxation in the State.

Section 10. There is hereby created a special fund to be designated the State Docks Facilities Reserve Fund, which shall be held in and constitute a part of the State Treasury and which shall be maintained until the principal of and interest on the bonds (or any refunding bonds that

may hereafter be issued to refund any of the bonds) shall have been paid in full. As promptly as may be practicable following each fiscal year of the State, commencing with the fiscal year ending September 30, 1976, the State Docks Director shall determine the number of tons (each ton to be deemed to constitute 2,000 pounds) of general cargo was handled by the State Docks Department during the said fiscal year. Not later than ninety days after the end of each such fiscal year, the State Docks Department shall pay into the said special fund whichever is the smaller of the following:

(a) An amount equal to 3¢ for each ton (i.e., 2,000 pounds) of general cargo handled by the State Docks Department at or in connection with the State Docks Facilities during the fiscal year with respect to which such determination was made, or

(b) The entire revenues derived by the State Docks Department from operation of the State Docks Facilities remaining at the end of the said fiscal year after (1) payment of all expenses of operation and maintenance of the State Docks Facilities that became payable on or prior to the last day of the said fiscal year, (2) payment of all principal and interest that matured on or prior to the said last day of the said fiscal year with respect to obligations which were heretofore issued and for payment of which revenues from the State Docks Facilities have been heretofore pledged (or any bonds that may hereafter be issued to refund any such obligations) and (3) the making of all payments into any special funds that are required to have been made, prior to the end of the said fiscal year, in any proceedings authorizing any such obligations (or any such refunding obligations); provided that the foregoing provisions of this section are and shall be subject to all pledges heretofore made of the revenues from the State Docks Facilities and all agreements set forth in any documents or proceedings wherein the said pledges were made. The term "general cargo" as used in this section shall be deemed to include all cargo handled by the State Docks Department at or in connection with the State Docks Facilities except (i) cargo of the class generally known as proprietary cargo handled by the owners of such cargo (or their agents) at the State Docks Facilities under special arrangements between such owners and the State Docks Department, and (ii) export coal handled at or in connection with that portion of the State Docks Facilities known as the McDuffie Terminal. The moneys on deposit in the said special fund shall be applied for payment of the principal of and interest on the bonds; and moneys in the said special fund shall be exhausted for payment of the said principal and interest prior to the use for such purpose of any moneys in the general fund of the State.

Section 11. The Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds then outstanding that were originally issued by either the State, or the State Docks Department, or any predecessor to said Department, with respect to the State Docks Facilities. Any such refunding bonds shall be of the same kind and shall be payable from the same source or sources as the bonds refunded thereby, and they shall not be counted against the authorized amount of those so refunded thereby. To the extent they may be applicable, the provisions of this Act pertaining to the authorization, sale, execution, redemption, maximum interest rate, maturities, issuance and other details of the bonds, shall apply to such refunding bonds.

Section 12. The Authority shall pay out of the proceeds from the

sale of any of the bonds (other than refunding bonds) those expenses which the board of directors may deem necessary or advantageous in connection with the sale or issuance thereof. The proceeds from the sale of all bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the treasury of the State Docks Department, shall be carried in a special fund therein, and shall be subject to be drawn on by the State Docks Department, upon the approval of the Authority, but solely for the respective purposes for which they were authorized to be issued, viz., payment of costs incurred in the development, construction, improvement, expansion, and modernization (or any of them) of the State Docks Facilities at the Port of Mobile, as the said facilities may from time to time exist. The proceeds from the sale of any refunding bonds shall be paid into the State Treasury, shall be carried in a special fund therein, and shall be subject to withdrawal by the Authority for the purpose of refunding the principal of the outstanding bonds for the refunding of which they were authorized to be issued. The expenses incurred in issuing any such refunding bonds shall be paid out of the State Treasury upon approval by the Authority.

Any portion of the proceeds derived from the sale of any of the bonds which the State Docks Director may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the State Docks Director, be invested in time deposits in banks in Alabama qualified and designated as State depositories or in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States. Any such securities may, at any time and from time to time, on order of the State Docks Director, be sold or otherwise converted into cash. The income derived from any such investments shall be added to and treated as a part of the proceeds so invested.

Section 13. The State Treasurer is authorized and directed to pay the principal of and interest on the bonds (or any bonds issued to refund any of the bonds) at the respective maturities of the said principal and interest, out of the special fund created in Section 10 hereof and to such extent, if any, as the moneys in the said special fund may be insufficient for such purpose, out of any other funds in the State Treasury. The State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining to payment of the said principal and interest.

Section 14. All laws and parts of law that are in conflict with any of the provisions of this Act shall be and hereby are, to the extent of such conflict, repealed.

Section 15. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 16. This Act shall become effective, following its passage and approval by the Governor or its otherwise becoming a law, on the effective date of the amendment to the Constitution of Alabama that was proposed by the Act introduced as House Bill No. 72 in the 1975 Second Special Session of the Legislature of Alabama.

On motion of Mr. Roberts, said substitute for the Bill, H. B. 72, was laid on the table.

Mr. Roberts then offered the following substitute for the Bill, H. B. 72, to-wit:

SUBSTITUTE FOR HOUSE BILL NO. 72

A BILL
TO BE ENTITLED
AN ACT

To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the 1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to provide the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder or that were originally issued by the State or Alabama State Docks Department or any predecessor to the said Department, with respect to State Docks Facilities at the Port of Mobile; and to repeal any laws or parts of laws conflicting with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature by the passage of this Act to implement that certain constitutional amendment of the State of Alabama proposed by the act Introduced as House Bill 71 at the 1975 Second Special Session of the Legislature of Alabama, by (i) authorizing the issuance of the interest bearing general obligation bonds of the State provided for in the said constitutional amendment, (ii) providing for the incorporation of a public corporation to act as the agency of the State in the authorization, sale, issuance and approval of disbursement of proceeds of the said bonds, and to perform the other functions hereinafter specified, and (iii) providing for the expenditure of the proceeds from the said bonds. It is also the intention of the legislature that, to the extent deemed feasible in the sole discretion of Alabama State Docks Department, with the approval of the Alabama Port Authority, the proceeds from the said bonds will be used in preparation for and in anticipation of the demands that will be made upon, and the opportunities that will be available to, the Department as a result of the opening of the Tennessee-Tombigbee Waterway System. This Act is to be liberally construed in conformity with its purposes.

Section 2. The following words and phrases, wherever used in this Act, and others evidently intended as the equivalent thereof, shall in the absence of clear implication herein otherwise be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this Act under the name Alabama Port Authority.

“Board” means the board of directors of the Authority.

“Bonds” means the bonds issued under the provisions of this Act, and in Sections 11 and 12 hereof, the word “bonds” shall include also any bonds outstanding at the effective date of this Act that were originally issued by either the State or the State Docks Department with respect to the State Docks Facilities.

“Person”, unless limited to a natural person by the context in which it is used, includes a public or private corporation organized under the laws of Alabama or of another state, a municipality, a county or an agency, department or instrumentality of a county or municipality of one or more of the several states, or of the United States.

“Property” means and includes real and personal property, and interests therein.

“State” means the State of Alabama.

“State Docks Facilities” means docks and all kinds of docks facilities, including elevators, warehouses, water and rail terminals, wharves, piles, quays, compresses, cold storage facilities, loading and unloading facilities, and other related structures, facilities and equipment and property used or held for use or development of or in connection with any thereof, now or hereafter owned by the State of Alabama at the Port of Mobile.

“State Docks Department” means the Alabama State Docks Department, an agency of the State.

“State Docks Director” means the Director of State Docks or other chief executive officer of the State Docks Department.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. The Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House, and the Director of the State Docks Department shall become a Public Corporation with the powers hereinafter provided, by proceeding according to the provisions of this Act.

Section 4. To become a corporation, the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House and the Director of the State Docks Department shall present to the Secretary of State of the State of Alabama an application which shall set forth: (a) the name, official designation and official residence of each of the applicants, together with certificates respecting the due election of those who are elected to the offices

respectively held by them and certified copies of the commissions evidencing the due appointment of those who are appointed to the offices respectively held by them; (b) the date on which each applicant was inducted into office and the term of office of each applicant; (c) the name of the proposed public corporation, which shall be Alabama Port Authority; (d) the location of a principal office of the proposed public corporation; and (e) any other matter relating to the proposed public corporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this State to take acknowledgments to deeds. The Secretary of State shall examine the application, and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed and recorded, as herein provided, the applications shall constitute a public corporation under the name submitted in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the Great Seal of the State and shall record such certificate with the application. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the Authority thus formed, its incorporation, dissolution or records.

Section 6. The Authority shall be composed of the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House, and the Director of the State Docks Department.

The Governor shall be the President of the Authority, and the Director of Finance shall be its Secretary. The Director of the State Docks Department shall be the Treasurer of the Authority, and shall act as Custodian of the proceeds from the sale of the bonds. The members of the Authority shall constitute all the members of the board of directors of the Authority. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director of the Authority. No member, officer or director of the Authority shall receive any compensation for any service they may render or for any duty they may perform in connection with the Authority.

The board of directors shall meet on call of the President of the Authority. All proceedings had and done by the board of directors shall be signed by the Governor, and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. The Authority shall have the following powers: (a) to have succession by its corporate name without time limit; (b) to sue others, to be sued but only for breach of contract, and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (c) to have and to use a corporate seal and to alter the same at its pleasure; (d) to act as the agency of the State in authorizing, selling, issuing, and approving disbursement of the proceeds

of said general obligation bonds of the State subject to the provisions of this Act; (e) to provide for and specify the details of and to supervise and make sale of, general obligation bonds of the State subject to the provisions of this Act; (f) to make studies and analyses of the operations of the State Docks Facilities, and to make the reports and recommendations provided for in Section 8 hereof; and (g) to appoint and employ such attorneys and agents as the business of the Authority may require; provided, that the Authority shall not employ fiscal agents or financial advisers in connection with the sale of bonds.

Section 8. The Authority shall have the same fiscal year as the State. The Authority shall during each fiscal year submit a report of its activities and development plans to the legislature. It may from time to time make recommendations to the legislature, based upon study and analysis, for the better handling of commerce passing in and through the State Docks Facilities, for the increase and improvement of transportation facilities, for the more economical and expeditious handling of such commerce, and for the development and promotion of both domestic and foreign trade.

Section 9. There are hereby authorized to be issued bonds of the State in aggregate principal amount not exceeding \$45,000,000. The bonds hereby authorized shall be general obligations of the State, and the full faith, credit and taxing powers of the State are hereby irrevocably pledged for the prompt and faithful payment of the principal thereof and the interest thereon.

The bonds may be sold from time to time as the board of directors may deem advantageous; provided, that no bonds (other than refunding bonds) may be sold or issued unless the Governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to enable the Authority to promote, develop, construct, improve, expand and modernize the State Docks Facilities. Except as hereinafter limited, the bonds may be executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest, or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State, may bear interest at such rate or rates not exceeding 8% per annum payable and evidenced in such manner, may contain provisions for redemption at the option of the Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of this Act, all as shall be provided by the board of directors in the resolution or resolutions whereunder the bonds are issued. The principal of each series of the bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the board of directors under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of the same series and the last of which installments shall mature not later than thirty years after the date of the bonds of the same series. Any redemption price required to be paid in order to effect any redemption of bonds prior to maturity shall not exceed the face value of each bond redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on such bond. Each series of bonds having an installment of principal maturing more than ten years after the date thereof shall be made subject to redemption prior to

maturity, at the option of the State, at the end of the tenth year following their date and semiannually thereafter in such manner as may be specified in the resolution authorizing such series.

None of the bonds shall be sold for less than its face value plus accrued interest thereon to the date of their delivery, and all of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that, if no bid deemed acceptable by the Authority is received, all bids may be rejected. Notice of each bond sale shall be given by the Authority by publication in either a financial journal or a financial newspaper published in New York, New York, at least one time not less than ten days prior to the date fixed for the sale. The Authority shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this Act. The Authority is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the Authority may prescribe, and again converted into bearer bonds, all without the payment of any fee by the holder of any such bonds.

The bonds shall not be valid unless the Governor shall approve the terms and conditions under which they were authorized by the board to be issued. Such approval shall be entered on the minutes of the meeting of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may, but need not, be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization hereof is contained in the said approval signed by him.

The bonds shall be executed in the name of the State by the Governor or by the Director of Finance, and the Great Seal of the State, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and attested by the Secretary of State. If the bonds are executed by the Director of Finance, such execution shall be approved on the face of the bonds by the Governor. A facsimile of the signature of any of said officials may be printed or otherwise reproduced on any of the bonds in lieu of being manually signed thereon, provided that the signature of at least one of the said officials shall be manually signed thereon. The coupons evidencing any installments of interest on the bonds shall be executed with a facsimile of the signature of the State Treasurer printed or otherwise reproduced thereon. Each such facsimile of a signature shall be valid in all respects as if the officials the facsimiles of whose signatures are so used had signed the bonds in person. Any signature, whether manual or facsimile, which appears on any of the bonds and which purports to be the signature of the person acting as one of the officials hereinabove specified shall be treated in all respects as if it were the signature (whether manual or facsimile, as the case may be) of that official. The Great Seal of the State so used shall be valid in all respects as if the Great Seal of the State had been manually affixed to the bonds. In the event any official who shall sign the bonds or the facsimile of whose signature shall appear thereon shall thereafter cease to hold office before the bonds are delivered and paid for, the bonds and the coupons applicable thereto shall nevertheless be valid for all purposes to the same extent as if the official who signed the bonds or

the facsimile of whose signature appears thereon had remained in office until all of the bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

The bonds and the income therefrom shall be exempt from all taxation in the State.

Section 10. There is hereby created a special fund to be designated the State Docks Facilities Reserve Fund, which shall be held in and constitute a part of the State Treasury and which shall be maintained until the principal of and interest on the bonds (or any refunding bonds that may hereafter be issued to refund any of the bonds) shall have been paid in full. As promptly as may be practicable following each fiscal year of the State, commencing with the fiscal year ending September 30, 1976, the State Docks Director shall determine the number of tons (each ton to be deemed to constitute 2,000 pounds) of general cargo was handled by the State Docks Department during the said fiscal year. Not later than ninety days after the end of each such fiscal year, the State Docks Department shall pay into the said special fund whichever is the smaller of the following:

(a) An amount equal to 3¢ for each ton (i.e., 2,000 pounds) of general cargo handled by the State Docks Department at or in connection with the State Docks Facilities during the fiscal year with respect to which such determination was made, or

(b) The entire revenues derived by the State Docks Department from operation of the State Docks Facilities remaining at the end of the said fiscal year after (1) payment of all expenses of operation and maintenance of the State Docks Facilities that became payable on or prior to the last day of the said fiscal year, (2) payment of all principal and interest that matured on or prior to the said last day of the said fiscal year with respect to obligations which were heretofore issued and for payment of which revenues from the State Docks Facilities have been heretofore pledged (or any bonds that may hereafter be issued to refund any such obligations) and (3) the making of all payments into any special funds that are required to have been made, prior to the end of the said fiscal year, in any proceedings authorizing any such obligations (or any such refunding obligations); provided that the foregoing provisions of this section are and shall be subject to all pledges heretofore made of the revenues from the State Docks Facilities and all agreements set forth in any documents or proceedings wherein the said pledges were made. The term "general cargo" as used in this section shall be deemed to include all cargo handled by the State Docks Department at or in connection with the State Docks Facilities except (i) cargo of the class generally known as proprietary cargo handled by the owners of such cargo (or their agents) at the State Docks Facilities under special arrangements between such owners and the State Docks Department, and (ii) export coal handled at or in connection with that portion of the State Docks Facilities known as the McDuffie Terminal. The moneys on deposit in the said special fund shall be applied for payment of the principal of and interest on the bonds; and moneys in the said special fund shall be exhausted for payment of the said principal and interest prior to the use for such purpose of any moneys in the general fund of the State.

Section 11. The Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured

bonds then outstanding that were originally issued by either the State, or the State Docks Department, or any predecessor to said Department, with respect to the State Docks Facilities. Any such refunding bonds shall be of the same kind and shall be payable from the same source or sources as the bonds refunded thereby, and they shall not be counted against the authorized amount of those so refunded thereby. To the extent they may be applicable, the provisions of this Act pertaining to the authorization, sale, execution, redemption, maximum interest rate, maturities, issuance and other details of the bonds, shall apply to such refunding bonds.

Section 12. The Authority shall pay out of the proceeds from the sale of any of the bonds (other than refunding bonds) those expenses which the board of directors may deem necessary or advantageous in connection with the sale or issuance thereof. The proceeds from the sale of all bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the treasury of the State Docks Department, shall be carried in a special fund therein, and shall be subject to be drawn on by the State Docks Department, upon the approval of the Authority, but solely for the respective purposes for which they were authorized to be issued, viz., payment of costs incurred in the development, construction, improvement, expansion, and modernization (or any of them) of the State Docks Facilities at the Port of Mobile, as the said facilities may from time to time exist. The proceeds from the sale of any refunding bonds shall be paid into the State Treasury, shall be carried in a special fund therein, and shall be subject to withdrawal by the Authority for the purpose of refunding the principal of the outstanding bonds for the refunding of which they were authorized to be issued. The expenses incurred in issuing any such refunding bonds shall be paid out of the State Treasury upon approval by the Authority.

Any portion of the proceeds derived from the sale of any of the bonds which the State Docks Director may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the State Docks Director, be invested in time deposits in banks in Alabama qualified and designated as State depositories or in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States. Any such securities may, at any time and from time to time, on order of the State Docks Director, be sold or otherwise converted into cash. The income derived from any such investments shall be added to and treated as a part of the proceeds so invested.

Section 13. The State Treasurer is authorized and directed to pay the principal of and interest on the bonds (or any bonds issued to refund any of the bonds) at the respective maturities of the said principal and interest, out of the special fund created in Section 10 hereof and to such extent, if any, as the moneys in the said special fund may be insufficient for such purpose, out of any other funds in the State Treasury. The State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining to payment of the said principal and interest.

Section 14. All laws and parts of law that are in conflict with any of the provisions of this Act shall be and hereby are, to the extent of such conflict, repealed.

Section 15. In the event any section, sentence, clause or provision of

this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 16. This Act shall become effective, following its passage and approval by the Governor or its otherwise becoming a law, on the effective date of the amendment to the Constitution of Alabama that was proposed by the Act introduced as House Bill No. 71 in the 1975 Second Special Session of the Legislature of Alabama.

Which was adopted.

Yeas 34; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—34

Nays:

—0

Mr. Fine offered the following amendment to the Bill, H. B. 72, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 72

Amend the substitute for House Bill No. 72, Page 2, Line 15, by striking therefrom the following words:

“or that were originally issued by the State or Alabama State Docks Department or any predecessor to the said Department, with respect to State Docks Facilities at the Port of Mobile;”

Amend Section 2 of the substitute for House Bill 72 by striking therefrom the third complete sentence in said Section 2 of the substitute to House Bill 72 and substituting for the sentence so struck:

“Bonds” means the bonds issued under the provisions of this Act.

Amend Section 9 of the substitute for House Bill 72 by adding to the first sentence of the said Section 9 the following:

“for the purpose of paring costs of the development, construction, improvements, expansion and modernization (or any of them) of the State Docks Department at the Port of Mobile.”

Amend Section 11 of the substitute for House Bill 72 by striking the first two sentences of the said Section 11 and substituting for the two sentences so struck the following:

“The Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds then outstanding that were originally issued under this Act.”

Amend Section 11 of the substitute for House Bill 72 by adding to the said Section 11 the following:

“The total principal amount of bonds that may be initially issued hereunder under the provisions of the first sentence of Section 9 hereunder is hereby expressly limited to \$45,000,000; and the total amount of refunding bonds that may be issued hereunder is hereby expressly limited to the principal amount of the bonds that are to be refunded by any such refunding bonds.”

Which was adopted.

Yeas 34; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—34

Nays:

—0

And said Bill, H. B. 72, as thus amended, was then read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—34

Nays:

—0

The Bill:

H. 30. To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the “Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,” Pub. L. 91-646, Title 2, §§ 207 & 210, 84 Stat. 1898 and 1899, 42 USCA, §§ 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims,

Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—31

Nays:

—0

The Bill:

H. 8. Naming the bridge over the Tombigbee River between Clarke and Washington Counties on U. S. Highway 43, the "Joe C. McCorquodale, Jr. Bridge."

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—30

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. King, further consideration of the Bill, H. B. 14, was indefinitely postponed by the Senate.

RESOLUTION

Messrs. Foshee, Fine and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. COMMENDING THE SENATE SECRETARY

WHEREAS, Our esteemed Secretary, McDowell Lee, has been honored by being elected president of the American Society of Legislative Clerks and Secretaries; and

WHEREAS, The Alabama Legislature has long recognized the sterling qualities of character and leadership manifested in "Our Leader", and is gratified that he is receiving such recognition on a national scale among his peers; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate McDowell Lee for this distinguished and deserved honor, and wish for him a productive and successful administration.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 39. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employee's retirement system, and to provide for the manner of their employment and regulation of their compensation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 12. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence in the federal penal system.

Also:

S. 13. To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

Also:

S. 5. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 27. Relating to the 19th judicial circuit; to provide for additional compensation for the court reporter in said circuit.

Also:

S. 2. To amend Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," so as to delete Section 5 thereof which provides that said act shall be repealed and expire on September 30, 1974; to make the provisions of this amendatory act retroactive to September 30, 1974.

Also:

S. 29. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Also:

S. 28. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

Also:

S. 10. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 31. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 6. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations; also to provide that certain state employees may count time as county employee prior to becoming state employee, provided they pay into the retirement fund sufficient amounts as their contribution.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 9. To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

Was read a third time at length and passed.

Yeas 28; Nays 6.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

Nays:

Messrs. Adams, Baker, Fine, McDonald (A), McDonald (S), Weaver.

—6

The Bill:

H. 10. To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit amount.

was taken up.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, H. B. 10, to-wit:

COMMITTEE AMENDMENT TO H. B. 10

Amend H. B. 10 by striking the word "Maximum" where it appears in Sub-section D of Section 207.

Which was adopted.

Yeas 28; Nays 3.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

Nays: Messrs. Adams, Fine, Weaver.

—3

And said Bill, H. B. 10, as thus amended, was then read a third time at length and passed.

Yeas 29; Nays 6.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—29

Nays:

Messrs. Adams, Baker, Fine, McDonald (A), McDonald (S), Weaver.

—6

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE STATE ETHICS ACT.

Also:

S. J. R. 16. REQUESTING THE GOVERNOR TO INCLUDE THE PROBLEMS OF AND THE FINANCING OF EDUCATION FOR THE NEXT BIENNIIUM IN THE CALL OF THE SPECIAL SESSION THAT HE PLANS TO ISSUE FOR MARCH 17.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 9. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY CURRENT SYSTEM OF GOVERNING THE INSTITUTIONS OF HIGHER LEARNING IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Senate has concurred in and adopted the following House amendment to the Resolution, S. J. R. 9, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. J. R. 9

CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY CURRENT SYSTEM OF GOVERNING THE INSTITUTIONS OF HIGHER LEARNING IN ALABAMA.

WHEREAS, considerable question has been raised as to whether or not the State of Alabama is using the best system for governing its institutions of higher learning; and

WHEREAS, various and different ideas such as the use of a board of regents have been put forward as a better method; and

WHEREAS, it would be time well spent for the Alabama Legislature to have a select committee study the various questions and facets for governing the many different types of institutions of higher learning in this state,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of the chairman of the Senate Education Committee, the chairman of the House Education Committee, and four members of the Senate and four members of the House to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets of the current and any proposed new system for governing the institutions of higher learning within the State of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistants as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 15th legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, or

warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 43. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, they adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 43, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 42. Commending the University of Montevallo Basketball Team for winning the N. A. I. A. District 27 championship.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 42, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. Mitchell stated that had he been present when the vote was taken on passage of H. B.'s 71 and 72, he would have voted "Aye".

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 16. CONGRATULATING THE GURLEY TIGERS BASKETBALL TEAM

Also:

H. J. R. 17. Congratulating Miss Pam Flowers Upon Her Selection as the 1975 Miss Alabama-Universe.

Also:

H. J. R. 18. CONGRATULATING MISS GAYLE BEASLEY FOR BEING SELECTED MISS TROY STATE UNIVERSITY

Also:

H. J. R. 21. Establishing The Madison County Elected Officials Salary Commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 44. To permit banks now or hereafter situated in counties having populations of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census, to establish, maintain or operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Also:

H. 47. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Also:

H. 48. Relating to all counties having populations of not less than 30,000 nor more than 33,575, according to the most recent federal decennial census; validating amounts expended by the county board of education as payment to the county superintendent of education for compensation and travel expense during the period September 1, 1971 through June 30, 1973.

Also:

H. 49. Relating to the 19th judicial circuit; to provide for additional expense allowance for the court reporter in said circuit.

Also:

H. 50. Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county.

Also:

H. 52. To authorize establishment of branch banks in Butler County.

Also:

H. 61. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Also:

H. 65. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems

of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

H. 56. To provide expense allowances for members and officers of the Court of County Commissioners boards of Revenue and other like County governing bodies, in certain Counties classified on a population basis, and validates certain Expenditures already made.

Also:

H. 58. To amend Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 947, p. 187), as amended, which act provides for the maximum compensation of the county engineer of Sumter County.

Also:

H. 59. Relating to Sumter County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 18. Applying in every county of the state having a population of 600,000 or more according to the last or any subsequent federal census, and to provide in every such county for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Also:

H. 2. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Also:

H. 12. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk-hire help for the Tax Assessor and Tax Collector and to provide for the payment of the same for the officers of said county.

Also:

H. 13. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Circuit Clerk and to provide for the payment of same and for said officer of such county.

Also:

H. 16. To repeal Act No. 141, H. 546, 1973 Regular Session, (Acts 1973, p. 171), entitled "An Act Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the

most recent federal decennial census; to provide further for the clerical assistance of the county tax assessor in such counties."

Also:

H. 17. Relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide for clerical assistance of the Tax Assessor and Tax Collector in such counties.

Also:

H. 68. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegations from all counties in this state having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 42. Relating to Macon County: Authorizing the county commission or other like governing body of Macon County to hire, retroactive at its discretion, up to four deputy circuit court clerks; and prescribing the qualifications and salary limitation on said clerks.

Also:

H. 74. To further amend Sections 8 and 9 of Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19, 1959 (Acts of Alabama of 1959, pages 1376 et seq., which Act provides for a supplemental pension and relief system for firemen and policemen who are members of any general pension and relief system established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951), as amended by Act No. 98, First Special Session of the Alabama Legislature, approved August 25, 1964, by Act No. 490, Regular Session of the Alabama Legislature, approved September 7, 1967, and by Act No. 1214 of the Regular Session of the Alabama Legislature, approved September 18, 1973, so as to provide in said Section 8 for payment to the widow of any deceased retiree under said supplemental system a monthly widow's allowance equal to forty-five per centum (45%) of such retiree's monthly retirement allowance immediately prior to death, and so as to provide in said Sections 8 and 9 for certain additional administrative procedures for determination of the amount of salary at retirement, for return of contributions and renewed membership upon re-employment of a

retiree, for the times when the required instrument for return of contributions may be executed and for an off-set of any debt owed to the supplemental system against such widow's allowances, and further, for the deletion from said Section 8 of certain administrative procedures already accomplished.

Also:

H. 29. To provide that, in any county of the State having a population of 500,000 or more according to the last or any succeeding Federal census, when the governing body of the county is satisfied that a claim against the county supported by an invoice itemizing such claim is a just claim and is owing by the county, the governing body may pay the claim without said claim being verified under oath.

Also:

H. 69. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

H. 23. To amend further Section 6 of Act No. 556, H. 994, Regular Session 1959 (Acts 1959, p. 1376), as heretofore amended, which establishes a pension and relief system or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, which act established a pension system for officers and employees in cities having populations of 250,000 or more; so as to provide that firemen and policemen who have completed thirty years of creditable service shall not be required to contribute to the retirement and relief fund; to provide that all contributions paid into such fund by any fireman or policeman after he has completed thirty years of creditable service shall be refunded to him in a lump sum without interest; to provide that the city shall not be required to contribute matching funds to the retirement and relief fund for any fireman or policeman who has completed thirty years of creditable service.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 22. COMMENDING THE MOUNT HOPE HIGH SCHOOL BASKETBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 23. MEMORIALIZING THE PRESIDENT AND CONGRESS TO SUPPORT THE NOMINATION OF HORACE MAYNARD LAYMAN.

Also:

H. J. R. 24. CONGRATULATIONS TO THE SPARKMAN SENATORS BASKETBALL TEAM.

Also:

H. J. R. 25. COMMENDING THE HUNTSVILLE CITY COUNCIL ON THE OPENING OF THE VON BRAUN CIVIC CENTER.

Also:

H. J. R. 26. COMMENDING THE VON BRAUN CIVIC CENTER BOARD.

Also:

H. J. R. 27. COMMENDING THE JOHNSON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE DISTRICT CHAMPIONSHIP.

Also:

H. J. R. 30. MOURNING THE DEATH OF LORIN A. EDWARDS.

Also:

H. J. R. 31. MOURNING THE DEATH OF MISS WENDY HALL.

Also:

H. J. R. 32. COMMENDING THE THEODORE HIGH SCHOOL MARCHING BAND.

Also:

H. J. R. 33. COMMENDING THE MONTEVALLO HIGH SCHOOL BASKETBALL TEAM.

Also:

H. J. R. 34. COMMENDING THE NEW BROCKTON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE AREA 3 BASKETBALL TOURNAMENT.

Also:

H. J. R. 35. COMMENDING MRS. MAYBURN TEAGUE FOR HER CONTRIBUTIONS TO EDUCATION.

Also:

H. J. R. 36. COMMENDING THE SHELBY COUNTY BOARD OF EDUCATION AND SCHOOLS FOR THEIR "KITTI KLEAN" PROGRAM.

Also:

H. J. R. 37. WISHING CHRIS McNAIR A SPEEDY RECOVERY FROM HIS RECENT ILLNESS.

Also:

H. J. R. 38. INVITING DENNY RAGLAND TO VISIT THE LEGISLATURE AND TO MEET THE GOVERNOR.

Also:

H. J. R. 39. CONGRATULATING THE SULLIGENT BLUE DEVILS BASKETBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Senate non-concurred in the following House amendment to the Bill, S. B. 9, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 9

Amend Senate Bill 9, Section 1 by striking it in its entirety and substituting in lieu thereof the following:

“Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

AMENDMENT

Regular sessions of the Legislature shall be held annually on the first Tuesday in May, or on such other day as may be prescribed by law, and shall be limited to 36 legislative days and 120 calendar days. Special

sessions of the Legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and 45 calendar days."

AMENDMENT TO S. B. 9, AS AMENDED

Amend Section 2 by deleting the words "current session" where it appears in said section and insert in lieu thereof the words: regular session

AMENDMENT TO S. B. 9, AS AMENDED

Amend S. B. 9 as amended by striking from Section 1 the figures 120 whenever they appear therein and substituting 105 therefor, and also by striking 36 days and adding in lieu thereof 30 days.

and requested a Committee on Conference.

Yeas 25; Nays 1.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McMillan, Mims, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—25

Nay: Mr. Owen.

—1

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. King, McMillan and Perloff.

RECESS

At 2:30 P.M., on motion of Mr. Foshee, the Senate took a recess until 3 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 71. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, issuing and approving the disbursement of the proceeds of said general obligation bonds and any bonds issued to refund the said bonds and to designate the composition of such public corporation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 72. To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the 1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder; and to repeal any laws or parts of laws conflicting with the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 18. COMMENDING THE CRENSHAW CHRISTIAN ACADEMY BASKETBALL TEAM FOR WINNING THE ALABAMA PRIVATE SCHOOL ATHLETIC ASSOCIATION STATE TOURNAMENT.

Also:

S. J. R. 19. COMMENDING THE WILCOX ACADEMY BASKETBALL TEAM FOR AN OUTSTANDING PERFORMANCE WHICH MERITED THE RUNNER-UP SPOT IN THE ALABAMA PRIVATE SCHOOL ASSOCIATION STATE BASKETBALL TOURNAMENT.

Also:

S. J. R. 20. COMMENDING DON WASSON.

Also:

S. J. R. 21. COMMENDING THE SENATE SECRETARY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 12. AMENDING SECTION (e) OF S. J. R. 15, ACT NO. 15, ORGANIZATIONAL SESSION 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Sonnier, Boles and Hill.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. Mourning the death of C. L. Starling.

Also:

S. J. R. 4. Mourning the death of F. T. Dobbs.

Also:

S. J. R. 5. Thanking Mrs. Martha Williams of the Legislative Reference Staff.

Also:

S. J. R. 6. Commending the enlisted National Guard Association.

Also:

S. J. R. 10. Mourning the death of Leon Collace Carroll.

Also:

S. J. R. 14. Commending Mr. Gay Foster.

Also:

S. J. R. 15. Mourning the death of George W. (Bill) Perry.

Also:

S. J. R. 17. Pertaining to sine die adjournment.

Also:

S. J. R. 9. Creating a joint interim committee to study the current system of governing institutions of higher learning.

Also:

S. J. R. 13. Creating a Joint Interim Committee to study the State Ethics Act.

Also:

S. J. R. 16. Requesting the Governor to include financing of education in the next special session.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 2. To amend Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the

county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," so as to delete Section 5 thereof which provides that said act shall be repealed and expire on September 30, 1974; to make the provisions of this amendatory act retroactive to September 30, 1974.

Also:

S. 5. To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts. 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act.", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the term "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

Also:

S. 6. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations; also to provide that certain state employees may count time as county employee prior to becoming state employee, provided they pay into the retirement fund sufficient amounts as their contribution.

Also:

S. 10. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to

authorize county governing bodies to provide necessary funds and personnel to provide such service.

Also:

S. 12. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence in the federal penal system.

Also:

S. 13. To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

Also:

S. 27. Relating to the 19th judicial circuit; to provide for additional compensation for the court reporter in said circuit.

Also:

S. 28. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

Also:

S. 29. Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Also:

S. 31. To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

Also:

S. 39. To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit system or state employee's retirement system, and to provide for the manner of their employment and regulation of their compensation.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 11. AMENDING S. J. R. 8, ACT NO. 11, PASSED DURING THE ORGANIZATIONAL SESSION OF 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 11, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. J. R. 11

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THAT S. J. R. 8, Act No. 11, PASSED DURING THE ORGANIZATIONAL SESSION OF 1975 BE AMENDED AS FOLLOWS:

WHEREAS, The rates charged by public utilities within the State of Alabama have been going up at an astronomical rate; and

WHEREAS, the general public is becoming vitally concerned and worried about the regulation of public utilities within this state; and

WHEREAS, there is a loud and incessant demand on the part of the public for the legislature to study regulation and control of public utilities and public utility rate making within this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Interim Committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets and ramifications concerning the regulation of public utilities in this state.

The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee may pay the mileage (at 12¢ per mile), the reasonable out-of-pocket expenses, and compensation at the rate of \$50.00 per day in meeting with the committee, to Dr. E. E. Stanaland of Auburn University and Dr. Marcus Whitman formerly of the University of Alabama for their services to the committee on and before

March 7, 1975. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,
Clerk.

REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on S. B. 9, beg leave to report as follows:

We are recommending that the word "regular" in Section 2, Line 3 be removed and in lieu thereof insert the word "current".

SENATOR BILL KING,
SENATOR GEORGE McMILLAN,
SENATOR MIKE PERLOFF,
(conferees on part of the Senate)
REP. NAT SONNIER,
REP. ROBERT M. HILL, JR.,
REP. HUGH BOLES,
(conferees on part of the House)

CONFERENCE REPORT

On motion of Mr. King, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—24

Nays:

—0

COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. J. R. 9, the President and Presiding Officer

of the Senate announced the appointment of Messrs. McDonald (S), Stewart, Powell, McDonald (A) and Perloff as Senate members of the Education Study Committee.

Under the provisions of S. J. R. 13, the President and Presiding Officer of the Senate announced the appointment of Messrs. St. John, Torbert, Mitchell, Bank, Waldrop and McMillan as Senate members of the Ethics Committee.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Conference report on the bill:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

dismissed the Committee on Conference

and requests a new Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Sonnier, Boles and Hill.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Senate acceded to the request of the House for a new Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill, S. B. 9, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as new Committee on the part of the Senate, Messrs. King, McMillan and Perloff.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 72. To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the

1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding \$45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the Legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder; and to repeal any laws or parts of laws conflicting with the provisions of this act.

Also:

H. 10. To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit amount.

Also:

H. 9. To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

Also:

H. 30. To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub. L. 91-646, Title 2, §§ 207 & 210, 84 Stat. 1898 and 1899, 42 USCA, §§ 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Also:

H. 8. Naming the bridge over the Tombigbee River between Clarke and Washington Counties on U. S. Highway 43, the "Joe C. McCorquodale, Jr. Bridge."

Also:

H. 71. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing

general obligation bonds in principal amount not exceeding Forty-Five Million Dollars (\$45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, issuing and approving the disbursement of the proceeds of said general obligation bonds and any bonds issued to refund the said bonds and to designate the composition of such public corporation.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on S. B. 9, beg leave to report as follows:

We recommend that the attached substitute for S. B. 9 be adopted by both houses.

SENATOR BILL KING,
SENATOR GEORGE McMILLAN,
SENATOR MIKE PERLOFF,
(conferees on part of the Senate)
REP. NAT SONNIER,
REP. ROBERT M. HILL, JR.,
REP. HUGH BOLES,
(conferees on part of the House)

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 9

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

AMENDMENT

Beginning in the year 1976, Regular sessions of the Legislature shall be held annually on the first Tuesday in May, or on such other day as may be prescribed by law, and shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and 30 calendar days.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONFERENCE REPORT

On motion of Mr. King, the Senate concurred in and adopted the foregoing Report of the second Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 42. Commending the University of Montevallo Basketball Team for winning the N. A. I. A. District 27 Championship.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 11. Creating a Joint Select Interim Committee to study regulation of public utilities.

Also:

S. J. R. 12. Amending Section (e) of S. J. R. 15, Organizational Session 1975 regarding pay and expense allowances of committee members.

Also:

S. J. R. 18. Commending the Crenshaw Christian Academy Basketball team.

Also:

S. J. R. 19. Commending the Wilcox Academy Basketball team.

Also:

S. J. R. 20. Commending Don Wasson.

Also:

S. J. R. 21. Commending Senate Secretary McDowell Lee.

Also:

S. 9. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of S. J. R. 9, the Speaker of the House announced the appointment of Messrs. Turnham, Brindley, Hall, Ford and Holmes as House members of the Education Study Committee.

Under the provisions of S. J. R. 13, the Speaker of the House announced the appointment of Messrs. Sasser, Gafford, Manley, Pegues, Merrill and Callahan as House members of the Ethics Committee.

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and Secretary of State, with the date and hour of delivery, to-wit:

- S. J. R. 3
- S. J. R. 4
- S. J. R. 5
- S. J. R. 6
- S. J. R. 10
- S. J. R. 14
- S. J. R. 15
- S. J. R. 17
- S. J. R. 16

S. J. R. 9
 S. J. R. 13
 S. B. 2
 S. B. 5
 S. B. 6
 S. B. 10
 S. B. 12
 S. B. 13
 S. B. 27
 S. B. 28
 S. B. 29
 S. B. 31
 S. B. 39

Delivered to the Governor March 7, 1975 at 3:50 P.M.

S. J. R. 11
 S. J. R. 12
 S. J. R. 18
 S. J. R. 19
 S. J. R. 20
 S. J. R. 21

Delivered to the Governor March 7, 1975 at 4:40 P.M.

S. B. 9

Delivered to the Secretary of State March 7, 1975 at 4:45 P.M.

McDOWELL LEE,
 Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fourth and Fifth Legislative Days and finds same correct and

containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journals of the Senate for the Fourth and Fifth Legislative Days were approved by the Senate.

ADJOURNMENT

At 4:45 P.M., on motion of Mr. King, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ JERE BEASLEY

Lieutenant Governor and President
and Presiding Officer of the Senate

ATTEST:

/s/ McDOWELL LEE
Secretary of Senate

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SECOND SPECIAL SESSION 1975
MARCH 3, 1975—MARCH 7, 1975

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA

THIRD
EXTRAORDINARY
SESSION OF 1975

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, MARCH 18, 1975



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
THIRD EXTRAORDINARY
SESSION OF 1975**

FIRST LEGISLATIVE DAY

TUESDAY, MARCH 18, 1975

BE IT REMEMBERED, that on the 11th day of March, A. D., 1975, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, during the last four years, utility rates in Alabama have been constantly on the rise and the annual rates of the four largest utilities have been increased approximately \$150 million dollars per year, exclusive of certain rate riders, and an immediate and pressing need exists to marshal the intelligence and cooperation of government to find a simpler and more effective solution to this serious and complex problem which is daily imposing an increased burden on the people and businesses in Alabama, and

WHEREAS, there is a compelling need for legislation defining the reasonable value of a public utility's property to be used as a rate base in fixing utility rates and repealing ambiguous laws in conflict therewith; to provide for and require refunds or repayment to customers of any utility rates or charges judicially held to be excessive; to provide for appeals from utility rate orders of the Alabama Public Service Commission directly to the Supreme Court; to create and fund the office of a Peoples' Utility Counsel; to fix the duties, responsibilities, powers, and compensation of such official and the administration of such office; to more clearly define the scope of judicial review; to provide and require notice to affected property owners and insure their right to be heard in any required utility or telephone certificate proceedings; to prohibit any further increases under a fuel or tax rate, clause or rider, and to require reduction in rates under any such fuel or tax rate, clause or rider until same may be cancelled after notice and hearing; to prohibit any automatic increase to any telephone company arising out of any interconnect or other agreement between such telephone company and South Central Bell Telephone Company; to require the Alabama Public Service Commission to make a finding of the facts on contested issues to enable the reviewing court to be appraised of the basis of the conclusions of the Commission; and

WHEREAS, the ever increasing utility rates in Alabama are a matter of grave economic concern to consumers throughout the State of Alabama, and

WHEREAS, such utility services have become necessary in this day and age and the customers of such utilities are dependent upon effective regulation and legal requirements therefor, and

WHEREAS, there exist these extraordinary and special circumstances which compel and demand the convening of the Legislature of Alabama in an extraordinary session as prescribed by Section 122 of the Constitution of the State of Alabama of 1901, in the public interest and for the public good.

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at 6:00 o'clock P. M. on Tuesday, March 18, 1975, and I do hereby designate the following specific subjects and matters which I, as Governor, deem necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to define the reasonable value of a public utility's property to be used as the rate base in fixing utility rates and to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property and to provide for further considerations to be made by the Alabama Public Service Commission in determining the fair net return on such reasonable value rate base.

2. Legislation to require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

3. Legislation to require any utility or telephone company to give notice to affected property owners of the filing of any applications for a certificate of convenience and necessity and to give the property owners affected thereby the right to be heard and participate in such certificate proceedings.

4. Legislation to provide that appeals from actions and orders of the Alabama Public Service Commission in cases involving public utility and telephone rates and charges shall be taken directly to the Supreme Court.

5. Legislation to amend Title 48, Section 82 of the Code of Alabama of 1940 relating to judicial review of the orders of the Alabama Public Service Commission, to retain the substantial evidence rule and to add the standard of "arbitrary, capricious, or inconsistent with respect to any of the issues involved"; to require that the Commission find sufficient facts, as to each issue involved, to enable the reviewing court to determine the basis for the conclusion of the Commission, and to provide that, on remand, no new evidence shall be received by the Commission beyond the test period used by the Commission in its original order.

6. Legislation to create the office and position and describe the duties and powers of a Peoples' Utility Counsel and to make appropriations for the administration of such office; to provide for the appointment and staffing of such office and to authorize such office to receive any funding available under Federal grants and from other sources.

7. Legislation to prohibit any utility or telephone company from increasing any customer's billing through the application of any fuel or tax rate, clause, or rider above the level of charges included in billings on the effective date of such legislation.

8. Legislation to prohibit any telephone company through any interconnect or other agreement with South Central Bell Telephone Company from receiving an automatic increase in its net return as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company in its intrastate net return.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama, and caused the Great Seal to be affixed, and caused the Secretary of State to attest this Proclamation at the Capitol in the City of Montgomery, on the 11th day of March, 1975.

GEORGE C. WALLACE,
Governor.

ATTEST:

MRS. AGNES BAGGETT
Secretary of State

Pursuant to such proclamation, at the hour of 6 o'clock P.M. on Tuesday, March 18, 1975, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Jere Beasley, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Bill Bostick, Minister, First United Methodist Church, Attalla, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Givhan, Roberts and Littleton for today.

RESOLUTIONS

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 1. BE IT RESOLVED BY THE SENATE That that part of Senate Rule 2, which states "The Senate shall meet at 12 o'clock noon

on the first day of any organizational, special, or regular session", shall be suspended for this special session only.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a Joint Session of the Legislature be held at 6:30 P. M. for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED That a Committee of three members from the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him that the two Houses will meet in Joint Session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the Hall of the House of Representatives for the Joint Session.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Edwards, Waldrop and Adams.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a Joint Session of the Legislature and if he does so desire, to further ascertain the time most suitable to him for such address.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Flippo, McDonald (S) and Clemon.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that a committee of three members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed on the part of the House Messrs. Waggoner, Sparks and Warren.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:20 p.m. on March 18, 1975 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed on the part of the House Messrs. Waggoner, Sparks and Warren.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION TO RECESS

At 6:16 P.M., on motion of Mr. Fine, the Senate took a recess until after completion of the Joint Session.

JOINT SESSION

The hour of 6:30 P.M. having arrived, on motion of Mr. Fine and in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable George C. Wallace.

The Session was called to order by the President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable George C. Wallace was escorted to the Chair and delivered his address to the Legislature of Alabama.

ADDRESS OF
GOVERNOR GEORGE C. WALLACE,
DELIVERED TO THE LEGISLATURE
ON MARCH 18, 1975,
RELATIVE TO
PROPOSED PUBLIC UTILITY LEGISLATION
(See House Journal for text)

The purpose of the Joint Session having been accomplished, and in accordance with motion heretofore adopted, at 7:15 P.M., the Senate re-assembled in the Senate Chamber, and was called to order by the Honorable Jere Beasley, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. White:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn until Thursday, March 20, 1975; and when the two Houses adjourn on Thursday, they adjourn until Tuesday, March 25, 1975; and when the two Houses adjourn on Tuesday, they adjourn until Thursday, March 27, 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. St. John, Torbert, Flippo, Perloff, Mitchell, Fine, McMillan, Pearson, Wilson and Bank:

S. 1. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

Committee on State Government.

By Messrs. Flippo, Littleton and Foshee:

S. 2. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Committee on Commerce, Transportation
and Utilities.

By Mr. Flippo (By Request):

S. 3. To amend Act No. 2441, of the 1971 Legislature (Acts, 1971, page 3903), entitled "An Act to provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the chief of police of such a municipality in event of a vacancy, from the number of officers of the police force who hold the rank of captain or above, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such personnel board may fix the compensation of said chief of police, and his status in any civil service system in such municipality."

Committee on Local Legislation No. 1.

By Messrs. Fine and Flippo:

S. 4. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of certain county officials by members of the legislative delegation.

Committee on Local Legislation No. 1.

By Messrs. Wilson, Foshee, Perry, Stewart, Jones, McMillan, Pearson, McDonald (A), Shelby and Waldrop:

S. 5. To create the office and position and prescribe the duties and powers of a people's utility counsel; to provide for the appointment and employment of the personnel of such office; to make and provide for appropriations for the administration of such office; to authorize such office to receive any funding available under Federal grants and from other sources for the administration of such office; to provide for the liberal construction and application of this Act; to repeal all laws or parts of laws in conflict herewith, and to provide for the effective date hereof.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Wilson, Foshee, Perry, Stewart, Jones and Waldrop:

S. 6. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an Act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Committee on Commerce, Transportation
and Utilities.

By Mr. McDonald (A):

S. 7. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Committee on Commerce, Transportation
and Utilities.

By Messrs. King, Baker, McDonald (A), Weaver, Flippo and Waldrop:

S. 8. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee.

Committee on Finance and Taxation.

By Messrs. King, Baker, Flippo, McDonald (S), Gilmore, Waldrop, Fine and Bank:

S. 9. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Director of Finance to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Committee on Finance and Taxation.

By Messrs. King and Jones:

S. 10. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the

Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

Committee on State Government.

By Messrs. Baker and McDonald (S):

S. 11. To repeal Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county."

Committee on Local Legislation No. 1.

By Messrs. Baker and McDonald (S):

S. 12. Relating to DeKalb County; authorizing the DeKalb County Commission to levy an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; authorizing the DeKalb County Commission to levy an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County Commission is authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes cigarettes or cigars in DeKalb County an additional privilege, license or excise tax in the following amounts:

(a) One cent (\$.01) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) One cent (\$.01) for each cigar of any description made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes and cigars such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and one each cigar.

Section 2. Upon adoption by the DeKalb County Commission, every person, firm, corporation, club, or association that sells or stores or received for the purpose of distribution in DeKalb County any cigarettes or cigars shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes and cigars, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes or cigars, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes and cigars on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes and cigars. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in DeKalb County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby authorized shall be paid by affixing stamps as in required for the payment of the tax imposed by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under that article; and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of

this Act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax herein imposed shall be deposited in the general fund of DeKalb County to be expended at the discretion of the County Commission.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes and cigars stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval of the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 13, February 18, February 20, and February 25, all in the year 1975.

J. E. WHITTLE.

Sworn to and subscribed before me February 25, 1975.

MARY RUTH BROWN,
Notary Public.

By Messrs. Baker and McDonald (S):

S. 13. Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract,

retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract, retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of DeKalb County shall not have any power or authority to enter into any contract with any commercial insurance company licensed to do business in this State or in any other state to obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan for any member or members of the county governing body and if any member or members of the county governing body desire a retirement plan, then they shall become members of the State Employees' Retirement System as otherwise provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 18, October 23, October 30, and November 6, all in the year 1973.

JERRY E. WHITTLE.

Sworn to and subscribed before me November 6, 1973.

MARY RUTH BROWN,
Notary Public.

By Messrs. Baker and McDonald (S):

S. 14. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relation to DeKalb County, Imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline, naptha and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, co-partnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in

the selling of gasoline as herein defined in DeKalb County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in DeKalb County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into DeKalb County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section 2. In addition to all other taxes imposed by law, there is hereby imposed an excise tax of 1 cent per gallon on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in DeKalb County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay excise tax of 1 cent per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in DeKalb County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in inter-state commerce, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein provided for shall be in addition to any and all excise of other taxes whatsoever imposed on gasoline, naphtha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline as herein defined; however, the governing body of said county shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline made in DeKalb County taxed under this Act.

Section 5. Within thirty days after any tax shall have levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in DeKalb County shall make a report on blanks furnished under Section 2 hereof to the governing body of said County, showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section 6. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provisions of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section 7. It shall be the duty of the governing body of said County to enforce the provisions of this Act and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section 8. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act, and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to the County

of DeKalb by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in DeKalb County shall report to the governing body of said County on the first day of January, April, July and October of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in DeKalb County, Alabama, during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into the road and bridge fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the road and bridge fund provided for in Section 12, shall be made for matching state highway department funds or federal funds for the construction, maintenance and repair of roads and bridges in DeKalb County which are under contract with the state highway department or a private contractor who has complied with the state competitive bid laws. In no case shall any expenditure be made for salaries, purchase of equipment or machinery or for any purpose other than herein provided.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 13, February 18, February 20, and February 25, all in the year 1975.

J. E. WHITTLE.

Sworn to and subscribed before me February 25, 1975.

MARY RUTH BROWN,
Notary Public.

By Messrs. Baker and McDonald (S):

S. 15. Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County Commission may levy and collect from each producer of coal in DeKalb County, a privilege or license tax to be known as a "severance tax." The rate of said tax shall be established by said county commission.

Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal and shall be deposited in the general fund of said County at the discretion of said county commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 13, February 18, February 20, and February 25, all in the year 1975.

J. E. WHITTLE.

Sworn to and subscribed before me February 25, 1975.

MARY RUTH BROWN,
Notary Public.

By Messrs. Baker and McDonald (S):

S. 16. To limit the use of public road and bridge funds of DeKalb County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To limit the use of public road and bridge funds of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. No monies in the DeKalb County road and bridge fund shall be expended for any purpose other than for the construction, maintenance and repair of roads and bridges in said county under contract with the state highway department or a private contractor who has complied with the state competitive bid laws. In no case shall such funds be transferred to the general fund or used for salaries, purchase of equipment or machinery or for any purpose other than herein provided.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 13, February 18, February 20, and February 25, all in the year 1975.

J. E. WHITTLE.

Sworn to and subscribed before me February 25, 1975.

MARY RUTH BROWN,
Notary Public.

By Messrs. McDonald (S), Torbert and Fine:

S. 17. To amend Title 52, Section 41, as amended, Code of Alabama 1940, which relates to the appointment, term, qualifications and salary of the State Superintendent of Education so as to raise the top annual salary that can be paid to the State Superintendent of Education and provides that the State Board of Education may enter into a contract with the State Superintendent of Education for his services for a period not to exceed four years.

Committee on Education.

By Mr. Waldrop:

S. 18. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, so as to provide that the Etowah County governing body shall have general legislative authority and shall exercise complete home rule, including total authority in the field of

taxation for county purposes, without the necessity of any enabling legislation on the part of the Alabama Legislature.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Waldrop:

S. 19. To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

Committee on Constitution and Elections.

By Messrs. Waldrop, Mitchell and Foshee:

S. 20. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 21. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial

affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide criminal penalties and personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to set the effective date of this act and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Messrs. Waldrop and McDonald (S):

S. 22. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to provide that any city or county school board may, upon recommendation of the superintendent, make temporary loans not to exceed a total of \$750,000.00 in anticipation of revenue derived from privilege or license taxes upon the sale of malt or brewed beverages, provided that any amount borrowed must be used for capital outlay purposes; provided for renewals of such loans in certain circumstances; and providing for the issuance, registration, payment, cancellation, and exemption from taxation of certificates relating to revenue pledged for the payment of such loans.

Committee on Local Legislation No. 1.

By Messrs. McMillan, Adams, Powell, Edwards, Little, King, McDonald (A), Mims, Shelby, Bank, Clemon, Weaver, Waldrop, Stewart and Mitchell:

S. 23. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

Committee on Judiciary.

By Messrs. McMillan, Vacca, Pearson, Ellis and Clemon:

S. 24. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended.

Committee on Local Legislation No. 2.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of intention to apply at any special or regular session of the Legislature of Alabama held during the year 1975 for the adoption of an act which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended:

Be It Enacted by the Legislature of Alabama:

Section 1: Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, as heretofore amended, be and the same hereby is further amended by adding thereto the following:

Subsection k. After the effective date of this subsection (k) any member of the system whose total benefits are less than Three Hundred (\$300.00) Dollars per month shall be entitled to a further benefit of such amount not in excess of One Hundred Fifty (\$150.00) Dollars per month as when added to the benefits otherwise provided for herein shall bring his total benefits under this act to Three Hundred (\$300.00) Dollars per month.

Subsection l. After the effective date of this subsection (l) the widow of any deceased member of the system whose total benefits are less than One Hundred Forty (\$140.00) Dollars per month shall be entitled to a further benefit not in excess of One Hundred (\$100.00) Dollars per month as when added to the benefits otherwise provided for herein shall bring her total benefits under this act to One Hundred Forty (\$140.00) Dollars per month.

Section 2: The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 3: This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; but the supplemental allowances provided for herein shall not be payable until the month succeeding the month in which this act becomes effective.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor Abercrombie Foster who, by me duly sworn, deposes and says that she is the Publisher of Alabama Messenger, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of general circulation, published and printed in Jefferson County, Alabama, and which has been in continuous weekly publication since 1918, And that there was published in said newspaper in the issues of February 8, 15, 22, March 1, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 3rd day of March, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. McMillan and Bank:

S. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

Committee on Health and Welfare.

By Mr. McMillan:

S. 26. Relating to insurance so as to require inclusion in all individual and group health insurance policies providing coverage on an expense incurred basis and in all individual and group service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber of coverage of injury or sickness of newly born children; to define terms; to provide for all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Committee on Insurance.

By Messrs. Stewart, Perry, Foshee, Wilson, Jones, McDonald (A), Shelby, Waldrop, King, Mims, Weaver and Bank:

S. 27. To provide that no utility or telephone company regulated by the Alabama Public Service Commission shall increase any customer's billing for intrastate utility or telephone services by reason of the application of any fuel or tax rate, clause, or riders above the level of charges included in customer billings on the effective date of this Act, and to require any reductions in customer billings to be continued until and unless cancellation of such fuel or tax rate, clause, or rider is approved by the Alabama Public Service Commission after notice and public hearing.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Stewart, Waldrop and Perry:

S. 28. To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Stewart, Waldrop, Owen, Flipppo, Fine, Torbert, Powell, Wilson, Vacca, Jones, Perry, Perloff, Shelby, McMillan, Gilmore, Bank, Weaver, Mims, Foshee, Adams, Little and St. John:

S. 29. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee and to provide appropriation therefor.

Committee on Finance and Taxation.

By Messrs. Little, Torbert, Stewart, Mitchell, Mims, Powell, Foshee, Bank, Flippo, McDonald (A), Jones, Baker, Weaver, Perry, McMillan, Wilson, Pearson, Adams and McDonald (S):

S. 30. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Torbert, Foshee, Perry, Stewart, Jones, Wilson, Owen, Bank, King, McDonald (A), Little, Shelby, Weaver, Waldrop, Flippo, Mims and Clemon:

S. 31. To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Torbert and Little:

S. 32. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and buildings, facilities and improvements for the accommodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gifts, and souvenir shops, boat service and storage facilities, and laundrettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat

service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporation, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

Committee on Conservation.

By Mr. Torbert:

S. 33. To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

Committee on Finance and Taxation.

By Messrs. Stewart, Flippo and Waldrop:

S. 34. To amend Title 51, Section 180, Code of Alabama 1940, as amended, to change the privilege tax payment dates for licenses on railroads.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Stewart, Flippo and Waldrop:

S. 35. To amend Title 51, Section 179, Code of Alabama 1940, as amended, to change the date for payments on hydroelectric tax.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Stewart, Flippo and Waldrop:

S. 36. To amend Title 51, Section 182, Code of Alabama 1940, as amended, to change the date for payments on telephone companies business.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Perry, Wilson, Stewart, Foshee, Jones, Shelby, McDonald (A), Bank, McMillan, Waldrop, Flippo, Little, Owen, Mims, Weaver and Torbert:

S. 37. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Committee on Commerce, Transportation
and Utilities.

By Mr. Perry:

S. 38. To provide that it shall no longer be necessary for mobile home movers to obtain any license or permit from the public service commission and to repeal all conflicting statutes.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Adams, Jones, Shelby, Stewart, Perry, Fine, Noonan, Wilson, Mims, McMillan, Pearson, Vacca, Torbert, Weaver, Mitchell, Bank, Little and Waldrop:

S. 39. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

Committee on State Government.

By Messrs. Bank, Mims and Shelby:

S. 40. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Committee on Health and Welfare.

By Messrs. Bank, Mims and Shelby:

S. 41. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to

county registration districts and state registration district in conformity with surrounding states.

Committee on Health and Welfare.

By Messrs. Foshee, Wilson, Stewart, Perry, Jones, Flipppo, Bank, Shelby, Fine, Owen, Waldrop, McDonald (A), Little and Weaver:

S. 42. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Foshee, Wilson, Stewart, Perry, Jones, Flipppo, Shelby, Fine, Waldrop, McDonald (A) and Weaver:

S. 43. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Committee on Commerce, Transportation
and Utilities.

By Mr. Jones:

S. 44. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were in service on October 1, 1974, who declined membership at the time of establishment, and to those who have non-membership service but who later joined the Employees' Retirement System; also reopens said System to employees who were in service on October 1, 1974, who have creditable service for which they are ineligible to gain credit for reasons other than non-membership; also to provide a redetermination of benefits for members retired prior to October 1, 1975; and further to provide for necessary and proper appropriations.

Committee on State Government.

By Messrs. Jones, Powell and Mitchell:

S. 45. Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—(1) For the purposes of this chapter the words “dependent child” shall mean any child, who, while under eighteen years of age, for any reason, is destitute, homeless, or is dependent on the public for support; or who is without a parent or guardian able to provide for his support, training and education; or whose custody is the subject of controversy. (2) The words “neglected child” shall mean any child, who, while under eighteen years of age is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian, or custodian; or who has no proper parental care or guardianship or whose home, by reason of neglect, cruelty, or depravity, on the part of his parent or parents, guardian or other person in whose care he may be, is an unfit or improper place for such child; or who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or for whom his parent, parents, guardian or custodian, neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical, or other care necessary for his health, or well-being; or whose parent, parents, guardian or custodian permits such child to engage in an occupation or calling contrary to the provisions of the child labor law of this state; or whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory attendance law of this state; or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance for the education, care and protection of children; or who for other cause is in need of the care and protection of the state. (3) The words “delinquent child” shall mean any child who while under eighteen years of age violates any penal law of the United States or of this state, or any regulation, ordinance or law of any city, town or municipality, or who commits any offense or act for which an adult could be prosecuted in a method partaking of the nature of criminal action or proceeding; or who is beyond the control of his parent, parents, guardian, or custodian, or who is otherwise incorrigible, or who is guilty of immoral conduct; or who is leading an idle, dissolute, lewd or immoral life; or who engages in any calling, occupation or exhibition punishable by law or is found in any place for permitting which an adult may be punished by law. (4) The word “court,” and the words “circuit court” when used in this act shall, unless otherwise qualified, mean the circuit court of the county, sitting as the Domestic Relations Division for the hearing of cases or the disposition of any matter arising under the provisions of this act.

Section 2. All such children, hereinabove described dependent, neglected, or delinquent, shall be subject to the care and protection of the Domestic Relations Division of the circuit court of Montgomery County. Said division is hereby authorized to formulate and implement such rules and regulations as are needed to carry out the aforementioned duties, along with those created under Act No. 250, S. 312, Regular Session 1959 (Acts 1959, p. 810), as amended.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. T. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Montgomery Independent, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 13, Feb. 20, Feb. 27, and March 6, all in the year 1975.

W. T. JOHNSON.

Sworn to and subscribed before me March 7, 1975.

SUSAN WARD JOHNSON,
Notary Public.

By Messrs. Jones, Foshee, Perry and Wilson:

S. 46. To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Committee on Commerce, Transportation
and Utilities.

By Messrs. Jones, Stewart, Powell, Mitchell, Littleton, Foshee, Vacca, Flippo, Torbert, Waldrop, McDonald (A), Fine, Bank, Adams, Shelby, Pearson, McMillan, Mims, King and McDonald (S):

S. 47. To provide salary increases for certain state employees; and to appropriate funds therefor.

Committee on Finance and Taxation.

By Messrs. Jones, Powell and Vacca:

S. 48. To amend Title 55 Section 456 of the Code of Alabama, 1940 (Recompiled 1958), as amended, which relates to the Employees' Retirement System, so as to provide that the "average final compensation" used to calculate a member's retirement benefit will be based upon the three (3) years, rather than the five (5), of the final ten (10) years of membership service in which earnable compensation is highest. To provide for the redetermination of all retirement allowance payments due on or after October 1, 1975 to members who retired prior to said date. Also to provide for necessary and proper appropriations to carry out the provisions of this Act.

Committee on State Government.

By Messrs. Mitchell and Powell:

S. 49. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Messrs. Mitchell, Foshee, Edwards, Vacca and Powell:

S. 50. Relating to murder and defining the degrees thereof; providing for the mandatory death penalty for murder in the first degree and providing for punishment for murder in the second degree; providing for review of sentence of death and evidentiary hearing relating thereto by court of appeals; providing for modification of sentence of death by court of appeals in certain cases; and, repealing Section 10 of Act. No. 249, H. 115, Regular Session, 1943 [(Acts 1943, p. 219), now appearing in the Code of Alabama Recompiled 1958, Title 15, Section 382 (10)]; Title 14, Sections 314, 315, 316, 317, 318 and 319, Code of Alabama 1940, and all other laws or parts of laws in conflict herewith.

Committee on Judiciary.

By Mr. Mitchell:

S. 51. To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
AUTAUGA COUNTY

Notice is hereby given that a Bill, substantially as follows, will be

introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

TO authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama Regular Session, 1969.

Be It Enacted by the Legislature of Alabama:

"Section 1. The Clerk of the Circuit Court of Autauga County, Alabama, may appoint one Chief Deputy Clerk and additional Deputy Clerks to serve under his direction and at his pleasure. The Chief Deputy Clerk shall be paid an annual salary of not less than Seven Thousand Two Hundred Dollars, which salary shall be fixed and determined by the Autauga County Commission, or other like governing body of said county, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the county upon proper claim being made. Other additional Deputy Clerks shall be paid an annual salary of not less than Four Thousand Eight Hundred Dollars per year, which salary shall be fixed and determined by the Autauga County Commission, or other like governing body of said county, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the County upon proper claim being made.

"Section 2. This Act repeals and supersedes Act. No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

"Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Norman E. Ridenhour, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on January 16, January 23, January 30, and February 6, all in the year 1975.

NORMAN E. RIDENHOUR.

Sworn to and subscribed before me March 17, 1975.

HELEN H. BARNES,
Notary Public.

By Mr. Mims:

S. 52. To provide that persons employed in county health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

Committee on Health and Welfare.

By Messrs. Owen and Foshee:

S. 53. Proposing an amendment to the Constitution of Alabama to repeal Amendment Number CCCXXVIII (328) which rewrote Article VI of the Constitution of Alabama pertaining to the Judicial Department.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Owen, Foshee and Fine:

S. 54. To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

Committee on Judiciary.

By Messrs. Owen and Wilson:

S. 55. To repeal Act No. 90, S. 66, approved May 11, 1971, entitled "An Act to make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges."

Committee on Finance and Taxation.

By Messrs. Owen, Wilson and Torbert:

S. 56. To amend Act No. 90, S. 66, Special Session 1971 in relation to further appropriations for the construction of Federal Aid highway projects.

Committee on Finance and Taxation.

By Messrs. Perloff, Mims, Adams, Wilson, Noonan, Jones, Perry, Owen, Pearson, Vacca, Powell, Gilmore, Littleton, Flippo, Torbert, McDonald (S), Mitchell, Foshee, Baker, King, Ellis, Bank, Roberts, Shelby, McDonald (A), McMillan, Weaver and Fine:

S. 57. To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacture, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Perloff, Mims, Adams, Wilson, Noonan, Jones, Perry, Owen, Pearson, Vacca, Mitchell, Powell, Gilmore, Littleton, Flippo, Torbert, McDonald (S), Foshee, Baker, King, Ellis, Bank, Roberts, Shelby, McDonald (A), McMillan, Weaver and Fine:

S. 58. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Committee on Constitution and Elections.

By Mr. Noonan:

S. 59. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939,

approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section VIII of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County, Alabama, is hereby amended to read as follows:

Section VIII. The Board shall elect and fix the salary of the Director who shall hold office at the will of the Board. The Board shall prescribe such qualifications as to residence, education, and experience as may be necessary in its opinion to fill the position of Director. His salary shall be fixed by the Personnel Board provided such salary shall not exceed the sum of Twenty Thousand Dollars (\$20,000.00) per annum. The Director's salary shall be payable monthly and as provided in Section 30 hereof. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to: (1) Attend all meetings of the Board and provide for recording its official actions, but he shall not have a vote. (2) Appoint from the Employment Register such employees of the Department, and such experts and special assistants as may be necessary to carry out effectively the provisions of this Act; (3) Prepare and recommend rules and regulations for the administration of this Act. (4) Recommend, and on its adoption, establish, administer and execute a Classification Plan for the Classified Service. (5) Submit to the Board a pay plan for all positions in the classified service. (6) Conduct tests, formulate employment registers, and certify persons qualified for appointment; devise and administer employee service ratings. (7) Examine all payrolls or other compensation for personal services within the classified service with authority to disapprove, from time to time, any item or items thereof, and no such item so disapproved in writing by him shall be paid or authorized for payment. (8) Establish and maintain a roster of all of the officers and employees in the classified service. (9) Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the classified service as may be requested by the Board, the Supervisory Committee, or by the governing bodies of the county or any city therein. (10) Make investigations concerning the administration and effect of this Act and the rules made thereunder and report his findings and recommendations to the Board. (11) Make an annual report to the Board. (12) Perform any other act or acts required of him under this Act or required of him by the Board which may be necessary or proper to carry into effect its purposes and spirit. The Director may join or subscribe to any association or service of publication having as its purpose the interchange or dissemination or information relating to the improvement or personnel administration. When any person serving as Director has attained age 60, and has served for 20 years or more as such Director, or has served for 20 years or more as such Director and as an officer or employee of any governmental body or agency serviced by the Personnel Department provided for in this Act, may upon his election be retired by the Board, with a retirement allowance equal to but not exceeding fifty percent of the amount of the monthly salary paid him for the high three out of the five years immediately preceding retirement. In computing such retirement allowance any monthly payment received from any employees' pension or retirement plan organized under the laws of the State of Alabama shall first be deducted from the retirement allowance and the balance shall be payable monthly in

the same manner and from the same funds as the salaries and other expenses of the Personnel Department are paid. The minimum age for retirement of any person serving as Director shall be sixty (60) years, provided, that it shall be mandatory for any person serving as Director to retire at 70 years of age; provided further, that any person serving as Director who has attained age 50, who has otherwise qualified for retirement, may be retired by the Board if he becomes physically disabled and incapable of performing his duties.

Section 2. This Act becomes effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of Dec. 10, 17, 24, 31.

JOYCE BUTT.

Sworn to and subscribed before me this 28 day of Jan. 1975.

GARY L. RICHARDS,
Notary Public.

By Mr. Noonan:

S. 60. To provide that in all counties having populations of not less than 300,000 nor more than 500,000 according to the last or any succeeding federal decennial census, the county governing body of such counties is authorized to pay a monthly pension to any public law librarian upon retirement.

Committee on Local Legislation No. 1.

By Messrs. McDonald (A) and Ellis:

S. 61. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Committee on Constitution and Elections.

RESOLUTIONS

Messrs. Perry, Mitchell, Jones, Torbert, Flippo, Powell, McDonald (A) and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. Requesting the Governor to proclaim the second week of May as "Municipal Clerks' Week".

Whereas our liberties are so dependent upon keeping government close to our people in fact as well as in theory; and

Whereas the great importance of vigorous, responsible local government and of the effort we are making to increase the participation and influence of local government in the world's public affairs; and

Whereas the municipal clerks of the cities, towns, and boroughs of our universe are of paramount importance in every community; and

Whereas these officials are the keepers of the records that guide our everyday living; and

Whereas the municipal clerks are a key source of knowledge in any community, receiving reams of letters, thousands of reports, issuing licenses, operating the election machinery, and the administration of numerous other obligations directed to their offices by their governing bodies; and

Whereas the municipal clerks are dedicated to their office and perform their duties and obligations in a sincere, honest, and loyal manner; and

Whereas the municipalities would be materially handicapped were it not for the conscientious, unswerving, and untiring efforts of the clerks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Alabama in Legislature assembled, that the second week in May of each year is hereby designated as "Municipal Clerks' Week" and the Governor is requested to issue a proclamation calling upon all people of Alabama to recognize and honor the efforts of all Municipal Clerks and request that the Mayors of all the Municipalities in this State issue similar proclamations of recognition.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones, Bank, Foshee and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. CREATING AN INTERIM COMMITTEE TO STUDY THE REAL ESTATE LAWS OF ALABAMA AND TO STUDY THE PRACTICE OF REAL ESTATE AND THE UP-GRADING OF REAL ESTATE OPERATIONS AND LICENSING LAWS WITHIN THE STATE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study all facets of the real estate licensing laws, and the up-grading of real estate operations within the state. Said committee shall consist of five members of the Senate to be appointed by the Lieutenant Governor and five members of the House to be appointed by the Speaker of the House. This committee to meet within thirty days after this resolution becomes effective and from among its members shall elect a chairman and a vice-chairman.

Each member of such committee shall be entitled to his regular legislative compensation, his per diem and travel expense for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

On objection of Mr. Baker to suspension of the Rules, the above Resolution was referred to the Standing Committee on Rules.

Messrs. Torbert, Jones, Mitchell and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. Relative to Alabama restoration projects during the Bicentennial years.

WHEREAS, Alabama is one of the most heritage-rich states in the United States of America; and

WHEREAS, our nation is moving into a full-fledged American Bicentennial Celebration commemorating the 200th anniversary of the founding of our nation in 1776; and

WHEREAS, Alabama abounds in historic, architectural and archaeological landmarks, including some of the most prominent forts, state capitals, trails, Black Heritage, Indian mounds and historic mansions in America; and

WHEREAS, historic landmarks are well worth preserving as visual learning centers for our youth, reflectors of the achievements of our forefathers and enduring evidences for our posterity; and

WHEREAS, restored and preserved Alabama landmarks make considerable contributions to the economy of our state, attracting visitors from every state in the Union and tourists from most foreign nations who are celebrating the Bicentennial in the United States of America.

THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, that restoration projects with national and international significance undertaken during the Bicentennial years in Alabama be designated as follows:

A. STATE OF ALABAMA — OFFICIAL STATEWIDE BICENTENNIAL PROJECTS

- (1) The restoration of the State Capitol in Montgomery, and
- (2) The restoration of Fort Toulouse in Elmore County.

B. STATE OF ALABAMA — CERTIFIED BICENTENNIAL RESTORATION PROJECTS

- (1) The Bartram Trail in Russell, Macon, Elmore, Montgomery, Lowndes, Butler, Conecuh, Monroe, Escambia, Clarke, Baldwin, and Mobile Counties,
- (2) The Natchez Trace in Lauderdale and Colbert Counties,
- (3) Fort Conde Plaza in Mobile,
- (4) Fort Mims and Fort Morgan in Baldwin County,
- (5) St. Stephens Territorial Capital in Washington County,
- (6) Cahaba in Dallas County,
- (7) Gaineswood in Demopolis,
- (8) Tuskegee Institute in Macon County,
- (9) Fendall Hall in Eufaula,
- (10) Morris Avenue Historic District in Birmingham,
- (11) Capitol Square in Tuscaloosa,

(12) Moundville in Hale County, and

(13) Constitution Hall in Huntsville.

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 8:10 P.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, March 20, 1975, at 10 o'clock A.M.

SECOND LEGISLATIVE DAY

THURSDAY, MARCH 20, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. Royce Money, Minister, Druid Hills Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Weaver.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Baker, Gilmore, King, Wilson, Stewart, Waldrop, Roberts, Bank, Givhan and Owen for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Vacca, McMillan, Clemon, Ellis and Pearson:

S. 62. To provide for, and regulate, the office of Register of the Circuit Court in every County of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a County office subject to any civil service law applying to employees of the County; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Committee on Local Legislation No. 2.

By Mr. Adams:

S. 63. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Deputy District Attorney No. 1 and Deputy District Attorney No. 2 of Houston County, Alabama, shall be abolished.

Section 2. The offices of Assistant District Attorney No. 1 and Assistant District Attorney No. 2 of Houston County, Alabama, are hereby created in lieu of the present offices of Deputy District Attorney No. 1 and Deputy District Attorney No. 2. The two Assistant District Attorneys of Houston County, Alabama, No. 1 and No. 2, shall be

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Vacca, Pearson, Ellis and Clemon (with notice and proof):

S. 24. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King and Jones:

S. 10. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

By Messrs. Adams, Jones, Shelby, Stewart, Perry, Fine, Noonan, Wilson, Mims, McMillan, Pearson, Vacca, Torbert, Weaver, Mitchell, Bank, Little and Waldrop:

S. 39. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

By Mr. Jones:

S. 44. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were in service on October 1, 1974, who declined membership at the time of establishment, and to those who have non-membership service but who later joined the Employees' Retirement System; also reopens said System to employees who were in service on October 1, 1974, who have creditable service for which they are ineligible to gain credit for reasons other than non-membership; also to provide a redetermination of benefits for members retired prior to October 1, 1975; and further to provide for necessary and proper appropriations.

By Mr. Shelby:

S. 71. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 72. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Committee on Local Legislation No. 1.

By Mr. Jones:

S. 73. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Committee on State Government.

By Messrs. Mims, Bank and St. John:

S. 74. To provide for the issuance of restricted driver's licenses in certain cases.

Committee on Commerce, Transportation
and Utilities.

By Mr. Littleton:

S. 75. To appropriate \$5,000 from the state general fund to the Chilton County Peach Festival Committee.

Committee on Finance and Taxation.

By Mr. Littleton:

S. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having a population of not less than 37,500 nor more than 39,200, according to the most recent or any subsequent federal decennial census, and giving this act retroactive effect.

Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Vacca, Vice-Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on

By Mr. Little:

S. 65. To provide each county commissioner but not the chairman of the county commission in counties having populations of not less than 17,000 nor more than 20,000 an expense allowance, such allowance to be payable out of the general fund of the county.

Committee on Local Legislation No. 1.

By Messrs. Clemon, McMillan, Ellis and Pearson:

S. 66. Relating to judicial procedure, and to provide that the selecting and empaneling of juries in all criminal and quasi-criminal cases in the circuit courts in counties having populations of 600,000 or more according to the last or any future federal decennial census, except that the court in its discretion may order the selection of one or two alternate jurors in the manner now prescribed by law for such counties; and to repeal conflicting laws.

Committee on Local Legislation No. 2.

By Mr. Shelby:

S. 67. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 68. To amend Section 1 of Act No. 1024, S. 461, Regular Session 1973, (Acts 1973, p. 1561) which act provides for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges so as to further regulate said salaries or compensation.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 69. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 70. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Committee on Local Legislation No. 1.

appointed by and shall serve at the pleasure of the District Attorney of the 20th Judicial Circuit. Each Assistant District Attorney must be a resident of Houston County, Alabama. Each Assistant District Attorney must be qualified by the Courts of this State for the practice of law, but he shall not be subject to the provisions of Subsection 12 of Section 229, Title 13, Code of Alabama 1940.

Each Assistant District Attorney shall perform such duties and exercise such authority as may be prescribed by law pertaining to duties and authority of Deputy District Attorneys, and by the District Attorney of the 20th Judicial Circuit.

Section 3. The salary of Assistant District Attorney No. 1 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed \$9600.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General Fund of said County. The salary of Assistant District Attorney No. 2 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed \$7200.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General fund of said County.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared Mirl Crosby, who is known to me and who, being by me first duly sworn, deposes and says: That he is General Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: Feb. 6, 13, 20, 27, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

MIRL CROSBY.

Sworn to and subscribed before me on this 19 day of March.

SARAH C. BOYDE,
Notary Public.

By Messrs. Pearson, Ellis, Vacca, McMillan, Little, Adams, Mims and Clemon:

S. 64. To provide for a summary distribution for estates comprised of personal property only of \$3,000 or less, upon the transfer of an affidavit, without administration as is required by existing laws.

Committee on Judiciary.

RESOLUTIONS

Mr. Littleton offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. CONGRATULATING ALABAMA MARINE POLICE OFFICER, BILLY J. ATTAWAY OF CLANTON UPON BEING HONORED AS ALABAMA'S LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS Billy J. Attaway, an Alabama Marine Police Officer from Clanton, has recently been named Alabama's Law Enforcement Officer of the Year for 1974 in a contest sponsored by the Birmingham News, the Alabama Jaycees, the Alabama Petroleum Council and the Alabama Peace Officer's Association; and

WHEREAS this dedicated and energetic gentleman has previously been the recipient of such outstanding honors as the National Olin Marine Safety Award, the Civil Defense Commendation Certificate, the U. S. Coast Guard Commendation Certificate and a U. S. Jaycee Certificate of appreciation and has for the past three years been chosen as the best law enforcement officer in Chilton County, having given generously of his time to secure the safety of those enjoying recreational activities on the Coosa River; and

WHEREAS Billy Attaway has made significant contributions above and beyond the call of duty for the betterment of his community by having written a regular newspaper column, spoken to various civic clubs, worked with Boy Scout and Girl Scout groups, assisted the Red Cross and helped with the rehabilitation of juvenile delinquents; and

WHEREAS Billy Attaway's work has not only brought honor to himself but it has contributed immeasurably to his chosen vocation by projecting an image of professionalism to the public; and

WHEREAS recognition by one's fellow citizens for a job well done is one of the most treasured and esteemed honors that can be bestowed upon a man; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body offers its congratulations to one of Alabama's finest citizens, Billy J. Attaway, upon his selection as Alabama's Law Enforcement Officer of the Year for 1974 and wishes him great success in his future endeavors.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Billy and Janell Attaway and to each of their children, Larry, Leslie and Tracey.

On motion of Mr. Littleton the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Vacca, McMillan, Pearson, Gilmore, Wilson, Ellis, Clemon and Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. CONGRATULATING WALTER L. MIMS FOR BEING RE-ELECTED PRESIDENT OF THE NATIONAL WILDLIFE FEDERATION AND COMMENDING HIM FOR HIS LONG YEARS OF SERVICE IN THE FIELD OF CONSERVATION.

WHEREAS the honorable Walter L. Mims, one of the outstanding members of the Jefferson County Bar, has been re-elected as President of

the National Wildlife Federation which is the largest conservationist group in the United States; and

WHEREAS Walter L. Mims has twice been president of the Alabama Wildlife Federation and in 1954 was voted Conservationists-of-the-Year for his efforts on behalf of clean water; and

WHEREAS for nine years before his election as National Wildlife Federation President in 1974, Walter L. Mims has served as the organization's vice-president, and for nine years before that he was a regional director; and

WHEREAS for his conservation work Walter L. Mims in 1964 was presented with the American Motors Conservation Award and in 1973 with the Alabama Bar Association Award of Merit; and

WHEREAS Walter L. Mims was working for clean water and for conservation programs in Alabama long before such work was popular or before the word "environmentalist" was even invented; and

WHEREAS the Alabama Legislature wishes to honor this outstanding man for his work in the field of conservation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate the Honorable Walter L. Mims of Birmingham for being re-elected president of the National Wildlife Federation and do thank him for his untiring efforts throughout the years on behalf of clean water and conservation programs which have benefitted all of the people.

BE IT FURTHER RESOLVED That the Secretary of the Senate is hereby ordered to present a copy of this resolution to the Honorable Walter L. Mims.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Ellis, Wilson, McMillan, Vacca, Pearson, Gilmore, Clemon and Lieutenant Governor Beasley offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. MOURNING THE DEATH OF P. M. ZICARELLI

WHEREAS the legislature of Alabama has noted with a sense of deep regret the passing of P. M. Zicarelli of Birmingham; and

WHEREAS Mr. Zicarelli who died at the age of 81 was a native of Sicily and lived for many years in Ensley and Fairfield; and

WHEREAS he was a retired U. S. Steel worker and a member of United Steelworkers Local 1489, as well as president of the Retired Steelworkers Club; and

WHEREAS he served on the Alabama Commission on the aging, the Governor's Committee for the Refugee Relief Program, and the Employment and Retirement Standing Policy Committee at the National Council of Senior Citizens convention 1971, 1972 and 1973; and

WHEREAS this legislature would like to pay tribute to this honest and hard working man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of P. M. Zicarelli and express our deep and sincere sympathy to his widow, Mrs. Mary Agnes Zicarelli, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. MOURNING THE DEATH OF PATROLMAN GEORGE W. MCGAUGHEY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the untimely death of George W. McGaughey while courageously attempting to protect a fellow officer; and

WHEREAS Patrolman McGaughey faithfully served his fellow citizens of Montgomery as a law enforcement officer for one year before he was stricken down at the age of 28; and

WHEREAS George W. McGaughey exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS Patrolman McGaughey was the first Montgomery policeman to be killed in the line of duty in over ten years; and

WHEREAS his courage and devotion brought honor to himself and to law enforcement; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do pass this resolution as a memorial honoring George W. McGaughey for his outstanding services to the City of Montgomery and to the State of Alabama and that we extend our deepest sympathy to his widow to whom a copy of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. COMMENDING RUBIN M. HANAN FOR HIS COMPASSION FOR THE PLIGHT OF THE ELDERLY AND THE INFIRM.

WHEREAS Rubin M. Hanan is well-known as the spokesman for the old people of Alabama; and

WHEREAS Rubin M. Hanan has served as president of the Alabama League of Aging Citizens, a private organization which seeks to coordinate the efforts of several old age pension groups to aid the elderly who would otherwise be destitute; and

WHEREAS Rubin M. Hanan was instrumental in the creation of the State Commission on Aging and was appointed by the Governor to serve as the first chairman of the new commission; and

WHEREAS Rubin M. Hanan has served on the White House Conference on the Aging; and

WHEREAS Rubin M. Hanan was named to the National Advisory Committee to the Secretary of Health, Education and Welfare by the President of the United States; and

WHEREAS Rubin M. Hanan who as chairman of the Montgomery City-County Joint Charity Hospital Board, was the driving force behind soliciting funds to finance a \$700,000 addition to the Lister Hill Health Center; and

WHEREAS in recognition and appreciation for his efforts, the new addition to the health center was named the Rubin M. Hanan Wing of the Lister M. Hill Health Center; and

WHEREAS Rubin M. Hanan is the recipient of the George Washington Honor Medal of the Freedoms Foundation of Valley Forge, Pennsylvania; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we do hereby commend Rubin M. Hanan for his compassion for the plight of the elderly and the infirm, and for his untiring efforts to ease their burden.

BE IT FURTHER RESOLVED That this body goes on record urging one of the outstanding universities of this state to consider Rubin M. Hanan for an honorary degree in the field of humanities.

BE IT RESOLVED FURTHER That a copy of this resolution be sent to Rubin M. Hanan.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones, Powell and Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. COMMENDING JAMES G. McDONALD

WHEREAS James G. McDonald was wounded in the line of duty as a law enforcement officer; and

WHEREAS these wounds were inflicted while officer McDonald was courageously attempting to protect a fellow officer; and

WHEREAS his courage and devotion brought honor to himself and to law enforcement; and

WHEREAS he acted with great bravery even in the face of serious injury, and as a result of the incident which caused his injury his partner was shot to death; and

WHEREAS Patrolman McDonald is presently recovering from his injuries in a Montgomery hospital; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend James G. McDonald for his bravery and we wish him a speedy recovery.

RESOLVED FURTHER, That a copy of this resolution be sent to Officer James G. McDonald.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Notifying the Governor that the Legislature is in session and ready for the transaction of business.

Also:

H. J. R. 3. Relative to a joint session of the two houses for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

Also:

H. J. R. 4. Relative to adjournment of the two houses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 5. CREATING AN INTERIM COMMITTEE TO STUDY THE REAL ESTATE LAWS OF ALABAMA AND TO STUDY THE PRACTICE OF REAL ESTATE AND THE UP-GRADING OF REAL ESTATE OPERATIONS AND LICENSING LAWS WITHIN THE STATE.

On motion of Mr. Fine, said Resolution was then adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 8. Relative to Alabama restoration projects during the Bicentennial years.

On motion of Mr. Fine, said Resolution was then adopted by the Senate.

ADJOURNMENT

At 10:40 A.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, March 25, 1975, at 10 o'clock A.M.

THIRD LEGISLATIVE DAY

TUESDAY, MARCH 25, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Dr. Earl M. Hall, Minister, Normandale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Mims, Weaver, Roberts and McDonald (S) for today.

COMMUNICATION FROM THE LEGISLATIVE COMMITTEE
ON EXAMINERS OF PUBLIC ACCOUNTS

STATE OF ALABAMA

March 25, 1975

The Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

The Legislative Committee on Examiners of Public Accounts, in a special meeting assembled in the Capitol in the City of Montgomery, on March 19, 1975, and pursuant to the authority of Title 55, Section 170(3), Code of Alabama 1940, Recompiled 1958, 1973 Cumulative Supplement, appointed the Honorable William W. Dillard, Jr., as Chief Examiner of Public Accounts for the remainder of the unexpired term of office ending September 30, 1975, and for the full seven-year term of office beginning October 1, 1975.

As Chairman of the Legislative Committee on Examiners of Public Accounts, I submit this report with the recommendations of the Committee for confirmation of these appointments.

Respectfully submitted,

JERE BEASLEY

Chairman

President of the Senate

CONFIRMATION

On motion of Mr. Flippo, seconded by Mr. Vacca, the appointment of the Honorable William W. Dillard, Jr. as Chief Examiner of Public Accounts for the remainder of the unexpired term of office ending September 30, 1975, and for the full seven-year term of office beginning October 1, 1975, which said appointment is set out in the foregoing Communication, was confirmed by the Senate.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

Nays:

—0

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mitchell:

S. 77. Relating to Wilcox County; to provide an additional clerk hire

allowance for the tax assessor, tax collector, circuit clerk and probate judge.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF WILCOX**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Wilcox County; to provide an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Wilcox County shall pay from the county general fund the sum of \$250.00 each as an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge of the county. The sum shall be in addition to any and all other allowances compensation and salary provided for by law.

Section 2. Provisions of this act shall become effective on the first day of the month following the date when this act becomes law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF WILCOX**

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. Hollis Curl, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Progressive Era, a newspaper of general circulation published in Wilcox County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 27, March 6, March 13, and March 20, all in the year 1975.

M. HOLLIS CURL.

Sworn to and subscribed before me March 20, 1975.

**SUZANNE WILLIAMS,
Notary Public.**

ADJOURNMENT

At 10:24 A.M., on motion of Mr. Fine, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, March 27, 1975, at 10 o'clock A.M.

FOURTH LEGISLATIVE DAY

THURSDAY, MARCH 27, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank Arnold, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—33

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Givhan and Waldrop for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Gilmore, Pearson, Clemon, McMillan and Vacca:

S. 78. To exempt The Diabetes Trust Fund, Inc. from the payment of all state, county, and municipal sales and use taxes and provides for retroactive effect.

Committee on Finance and Taxation.

By Mr. Littleton:

S. 79. To provide that the county commission in all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census is authorized to provide an additional expense allowance to the judge of the inferior court and the circuit clerk.

Committee on Local Legislation No. 1.

By Messrs. McDonald (S), Bank, Foshee, Clemon, Flippo, King, Shelby and Baker:

S. 80. Relating to education; To remove the professional employees at the Director level of the Department of Education from the provisions of the merit system and repeal laws in conflict therewith.

Committee on Education.

By Messrs. McDonald (S) and Mims:

S. 81. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Committee on Health and Welfare.

By Messrs. Shelby and Bank:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all immunities, powers, rights and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its

revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

Committee on Health and Welfare.

By Mr. Shelby:

S. 83. To provide that any health, hospitalization, surgical, disability, or other medical insurance coverage of newborn infants who are included under any family-type insurance policy issued in this state shall begin immediately from the moment of birth of such infant; and that the coverage and insurability of such infant shall not be disclaimed or otherwise denied by the insurer of such policy.

Committee on Health and Welfare.

By Messrs. Clemon and Pearson:

S. 84. To amend the Title and Articles 1.07, 3.01, 3.02, 3.04, 3.07 and 3.09 of Act No. 452, H. 974, page 1004, Regular Session of the Legislature of Alabama of 1955, as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent census, so as to provide for the election of councilmen from districts.

Committee on Local Legislation No. 2.

By Mr. Noonan:

S. 85. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of persons authorized to solemnize marriages in such counties in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and prescribing the fee that such persons may charge for a marriage ceremony.

Committee on Local Legislation No. 1.

By Messrs. Bank, Jones, Shelby, King, Mims, McDonald (S), Weaver and Powell:

S. 86. To amend Sections 270 and 271 of Title 46 of the Code of Alabama 1940, as amended, which section relates to the power of the State Board of Medical Examiners to suspend or revoke the certificate of qualification to practice medicine of a physician or osteopath.

Committee on Health and Welfare.

REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pearson, Ellis, Vacca, McMillan, Little, Adams, Mims and Clemon:

S. 64. To provide for a summary distribution for estates comprised of personal property only of \$3,000 or less, upon the transfer of an affidavit, without administration as is required by existing laws.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop:

S. 19. To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

By Messrs. Perloff, Mims, Adams, Wilson, Noonan, Jones, Perry, Owen, Pearson, Vacca, Powell, Gilmore, Littleton, Flippo, Torbert, McDonald (S), Mitchell, Foshee, Baker, King, Ellis, Bank, Roberts, Shelby, McDonald (A), McMillan, Weaver and Fine:

S. 57. To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacturing, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Perloff, Mims, Adams, Wilson, Noonan, Jones, Perry, Owen, Pearson, Vacca, Mitchell, Powell, Gilmore, Littleton, Flippo, Torbert,

McDonald (S), Foshee, Baker, King, Ellis, Bank, Roberts, Shelby, McDonald (A), McMillan, Weaver and Fine (With Amendments):

S. 58. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Torbert and Little:

S. 32. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and buildings, facilities and improvements for the accommodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gifts, and souvenir shops, boat service and storage facilities, and launderettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such

corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporations, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 73. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Fine and Flippo (With Substitute):

S. 4. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of certain county officials by members of the legislative delegation.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jones, Powell and Mitchell (with notice and proof):

S. 45. Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

By Messrs. Mitchell and Powell:

S. 49. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than

13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

By Mr. Mitchell (with notice and proof):

S. 51. To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

By Mr. Adams (with notice and proof):

S. 63. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

By Mr. Littleton:

S. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having a population of not less than 37,500 nor more than 39,200, according to the most recent or any subsequent federal decennial census, and giving this act retroactive effect.

By Mr. Mitchell (with notice and proof):

S. 77. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, McMillan, Clemon, Ellis and Pearson:

S. 62. To provide for, and regulate, the office of Register of the Circuit Court in every County of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a County office subject to any civil service law applying to employees of the County; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Clemon, McMillan, Ellis and Pearson (With Amendment):

S. 66. Relating to judicial procedure, and to provide that the selecting and empanelling of juries in all criminal and quasi-criminal cases in the circuit courts in counties having populations of 600,000 or more according to the last or any future federal decennial census, except that the court in its discretion may order the selection of one or two alternate jurors in the manner now prescribed by law for such counties; and to repeal conflicting laws.

RESOLUTIONS

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses shall meet in session on Tuesdays and Thursdays.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson, McMillan and Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. Wishing Senator Ellis a happy birthday

Whereas, Our colleague, Senator Robert L. Ellis, Jr., is observing his birthday today; and

Whereas, Birthdays are hard to take at best, as the numbers get higher; and

Whereas, We want to assure our friend Bob Ellis that he is still several years short of being a senior citizen; now therefore,

Be it Resolved by the Senate of Alabama, the House of Representatives concurring, That we do wish for Senator Ellis a felicitous anniversary of his birth, and wish for him many happy returns.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson and McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. DECLARING THAT THE LAST FULL WEEK IN FEBRUARY OF EACH YEAR BE DESIGNATED ARBOR WEEK AND TO ENCOURAGE THE CITIZENS OF ALABAMA, PARTICULARLY SCHOOL CHILDREN, TO PLANT TREES.

WHEREAS, the economic and aesthetic welfare of the people of Alabama is largely dependent on the trees and forest of the State; and

WHEREAS, our natural resources including trees and forests, must be protected and replaced; and

WHEREAS, the planting of a tree provides not only instruction, but also a living example of nurturing and taking responsibility for nature; and

WHEREAS, the planting of a tree is not only for the generations of today, but a blessing for future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last full week in February of each year be designated Arbor Week and that the citizens of Alabama, particularly school children, be encouraged to plant trees in their neighborhoods and school yards during Arbor Week of each year.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Birmingham Beautification Board, the State Garden Club, the Alabama Forestry Commission and to the State Board of Education.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Ellis, Clemon, McMillan, Pearson, Bank, Gilmore, Littleton, Noonan, Mims, Shelby and Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. COMMENDING RONNIE SLOVENSKY ON BECOMING MINOR HIGH SCHOOL'S FIRST ALL AMERICAN.

WHEREAS, Ronnie Slovensky was All-County in football at Minor High School in 1969 and participated in school and Community affairs, and

WHEREAS, Ronnie continued his education at Livingston University where he worked in church and Community affairs and has taken an active part, both on and off the campus, in the Fellowship of Christian Athletes, and

WHEREAS, Ronnie was elected football team captain at Livingston University in 1974 and also Most Valuable Player in 1974, twice N.A.I.A. player of the week, All-Alabama Small College, All-Gulf South Conference, and

WHEREAS, Ronnie Slovensky was selected first team N.A.I.A. All-American in 1974 thereby becoming Minor High School's first All-American and because of his exemplary conduct both on and off the gridiron, now

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Ronnie Slovensky is to be commended for his athletic ability, his leadership and his determination to be an outstanding kicker in football that enabled him to set records at Minor High School, Livingston University and in the Gulf Coast Conference.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Ronnie Slovensky and his family.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. OPPOSING POLICY OF THE SOCIAL SECURITY ADMINISTRATION WITH RESPECT TO MONTHLY DEPOSITS AND ANNUAL REPORTING OF SOCIAL SECURITY CONTRIBUTIONS AND PETITIONING THE CONGRESS TO ENACT LEGISLATION TO CONTINUE THE LONG ESTABLISHED POLICY OF QUARTERLY REPORTING AND REMITTANCES OF SUCH CONTRIBUTIONS.

WHEREAS, The State of Alabama entered into an agreement with the Social Security Administration of the Government of the United States on July 1, 1951, to cover employees of public agencies within this State under Old Age Survivors Disability Insurance; and

WHEREAS, Upon entering into this agreement, under Section 218 of the Social Security Act, pursuant to Act 48 of the Fifth Special Session of the Alabama Legislature a State Agency was designated to collect social security contributions from employees of public agencies and remit these contributions to the Social Security Administration; and

WHEREAS, It was by common understanding between the State of Alabama and the Social Security Administration that all contributions would be collected and remitted by the State Agency on a quarterly basis; and

WHEREAS, The Social Security Administration has indicated that it wishes to unilaterally establish a system of monthly deposits and annual reporting of all states and their political subdivisions under Section 218 of the Social Security Act; and

WHEREAS, A majority of the reporting entities in the State of Alabama have limited financial resources and thus would find it difficult to make monthly deposits and annual reports; and

WHEREAS, Ninety percent of the reporting officials do not have sufficient automatic data processing capability to handle a speed-up of collections; and

WHEREAS, It is anticipated that many public entities may decide to terminate social security coverage for their employees and seek other retirements systems; therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama desires to continue the established procedure of quarterly deposits and quarterly reports and therefore opposes any change as it relates to this procedure; and

BE IT FURTHER RESOLVED, That an enrolled copy of this Resolution be forwarded to each member of the Alabama Congressional Delegation, Honorable Russell B. Long, Chairman, Senate Finance Committee and Honorable Al Ullman, Chairman, Ways and Means Committee.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C), Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 14. Congratulating Alabama Marine Police Officer, Billy J. Attaway of Clanton upon being honored as Alabama's Law Enforcement Officer of the year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, McNair, Hopping, Trammell and Hilliard:

H. J. R. 7. Mourning the death of P. M. Zicarelli

Also:

By Mr. Biddle:

H. J. R. 10. Congratulating the Gardendale High School wrestling team for winning the state class 3A wrestling championship.

Also:

By Messrs. Edwards and Plaster:

H. J. R. 11. Congratulating Forrest Waters III on his election to the presidency of the state beta club.

Also:

By Messrs. Turnham, Crawford, Williams, Carothers, Sasser, Higginbotham, Whatley and Baker:

H. J. R. 25. Commending Major Claude Sutton Prier for his 36 years of service to the state of Alabama.

Also:

By Mr. Robertson:

H. J. R. 26. Commending Phillip H. Smith for his contributions to economic and cultural progress in Alabama.

Also:

By Mr. Robertson:

H. J. R. 27. Commending Miss Cynthia Kimbrell for winning first place in the state junior showmanship division of the state steer show.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolutions, H. J. R.'s 7, 10, 11, 25, 26 and 27, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 6. MOURNING THE DEATH OF P. M. ZICARELLI

Also:

S. J. R. 7. CONGRATULATING WALTER L. MIMS FOR BEING RE-ELECTED PRESIDENT OF THE NATIONAL WILDLIFE FEDERATION AND COMMENDING HIM FOR HIS LONG YEARS OF SERVICE IN THE FIELD OF CONSERVATION.

Also:

S. J. R. 9. MOURNING THE DEATH OF PATROLMAN GEORGE W. McGAUGHEY.

Also:

S. J. R. 10. COMMENDING RUBIN M. HANAN FOR HIS COMPASSION FOR THE PLIGHT OF THE ELDERLY AND THE INFIRM.

Also:

S. J. R. 11. COMMENDING JAMES G. McDONALD.

Also:

S. J. R. 12. CONGRATULATING ALABAMA MARINE POLICE OFFICER, BILLY J. ATTAWAY OF CLANTON UPON BEING HONORED AS ALABAMA'S LAW ENFORCEMENT OFFICER OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING

The Bill:

S. 24. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little,

Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 10. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Shelby, Weaver.

—19

Nays:

—0

BILLS RE-REFERRED

Mr. Owen moved that the Bills, S. B.'s 39 and 44, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 39 and 44, re-referred to the Standing Committee on Finance and Taxation.

RESOLUTIONS

Mr. Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. CREATING AN INTERIM STUDY COMMITTEE ON THE PAY SCALE AND SALARY STRUCTURE OF STATE OFFICIALS, EMPLOYEES, CABINET MEMBERS AND LEGISLATORS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That Act 47, Senate Joint Resolution 38 of the Organizational Session of 1975 be amended to read as follows:

WHEREAS, there is a great and pressing need for a comprehensive study on the pay scale and salary structure of state officials, employees, cabinet members and legislators in the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the pay scale and salary structures of state officials, employees, cabinet members and legislators in this state. Such committee shall be composed of three members of the Senate and three members of the House of Representatives to be appointed by the presiding officer of each house. The committee shall select its own chairman and vice-chairman from among its membership and establish rules for the conduct of its business.

The committee may employ such technical and consultative services as are needed to implement the intent of this resolution and such services shall be paid from funds appropriated for the use of the Legislature not to exceed \$5,000.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

On motion of Mr. Baker, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. REPEALING A 1973 HOUSE JOINT RESOLUTION WHICH NAMED THE TALLADEGA NATIONAL GUARD ARMORY FOR GENERAL LAURIS D. GRAVES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1203, H. J. R. 195, of the 1973 Regular Session (Acts of 1973, p. 2025) entitled "Naming the Talladega National Guard Armory for General Lauris D. Graves" is hereby repealed.

BE IT FURTHER RESOLVED, That the provisions of this resolution shall become effective immediately upon its passage and approval by the Governor.

On motion of Mr. Weaver, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 11:10 A.M., on motion of Mr. Littleton, in accordance with Joint Resolution heretofore adopted by the Senate, the Senate adjourned until Tuesday, April 1, 1975, at 10 o'clock A.M.

FIFTH LEGISLATIVE DAY

TUESDAY, APRIL 1, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Al Perkins, Curate, St. John's Episcopal Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—29

JOURNAL

On motion of Mr. Powell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Powell, leaves of absence were granted Messrs. Givhan, Bank, Roberts, Mims, Shelby and Weaver for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 7. MOURNING THE DEATH OF P. M. ZICARELLI

Also:

H. J. R. 10. CONGRATULATING THE GARDENDALE HIGH SCHOOL WRESTLING TEAM FOR WINNING THE STATE CLASS 3A WRESTLING CHAMPIONSHIP

Also:

H. J. R. 11. CONGRATULATING FORREST WATERS III ON HIS ELECTION TO THE PRESIDENCY OF THE STATE BETA CLUB.

Also:

H. J. R. 14. Congratulating Alabama Marine Police Officer, Billy J. Attaway of Clanton upon being honored as Alabama's Law Enforcement Officer of the Year.

Also:

H. J. R. 25. Commending Major Claude Sutton Prier for his 36 years of service to the State of Alabama.

Also:

H. J. R. 26. Commending Phillip H. Smith for his contributions to economic and cultural progress in Alabama.

Also:

H. J. R. 27. Commending Miss Cynthia Kimbrell for winning first place in the State Junior Showmanship Division of the State Steer Show.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 6. MOURNING THE DEATH OF P. M. ZICARELLI.

Also:

S. J. R. 7. CONGRATULATING WALTER L. MIMS.

Also:

S. J. R. 9. MOURNING THE DEATH OF PATROLMAN GEORGE W. McGAUGHEY.

Also:

S. J. R. 10. COMMENDING RUBIN M. HANAN.

Also:

S. J. R. 11. COMMENDING JAMES G. McDONALD.

Also:

S. J. R. 12. CONGRATULATING ALABAMA MARINE POLICE OFFICER, BILLY J. ATTAWAY.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hill:

H. 40. To amend Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts of Alabama, p. 508), as last amended, so as to provide deductions from sentences of less than six months and over thirty days.

Also:

By Messrs. White, Morris, Teague, Carter, Trammell, Biddle, Gafford, Andrews, Kinsey, Coburn, Falkenburg, Owens, Clark, Sasser, Crawford, Cates, Moore (O), Crowe, Smith (C), Holley, Baker, Quarles, Carothers, Smith (B), Kelley, Brindley, Weeks, Dial, Campbell, Burgess, Armstrong, Lutz, Pegues, Manley, Drake, Rich, Roberts, Whatley, Jolly, Waggoner, McNees, Hall, Leonard, Hilliard, Martin, Callahan, Smith (M) and McNair:

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 40. To the Committee on Judiciary.

H. B. 25. To the Committee on Health and Welfare.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. McDonald (A) and McMillan:

S. 87. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Committee on Health and Welfare.

By Mr. Stewart:

S. 88. To name the Rehabilitation Building located at 1105 Woodstock Avenue, Anniston, Alabama, the "George M. Hudson Building."

Committee on Rules.

By Mr. Perry:

S. 89. To create the office of supernumerary sheriff in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Committee on Local Legislation No. 1

By Mr. McDonald (S):

S. 90. Relating to the State Board of Education. To require approval by the State Board of Education of budget requests by the Department of Education for appropriations from the Legislature.

Committee on Education.

By Mr. Mitchell:

S. 91. To provide an additional expense allowance for the circuit court reporter of the Second Judicial Circuit payable by the counties composing said circuit.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 92. To provide for an exclusive color to be used on motor vehicles and uniforms used by the Department of Public Safety; prescribing penalties for violations of this act.

Committee on State Government.

By Messrs. King, McDonald (A), Stewart and Baker:

S. 93. To amend the power of the State Board of Medical Examiners over the granting of certificates of qualification to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualification; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

Committee on Health and Welfare.

By Messrs. King, McDonald (A), Stewart and Baker:

S. 94. To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties."

Committee on Health and Welfare.

By Messrs. Stewart, Perry, King, Torbert, Flippo, Owen, Foshee, Jones, Littleton, Powell, McMillan, Vacca and Little:

S. 95. To define habitual criminals; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mrs. Quarles:

H. J. R. 34. TO PROVIDE EXPENSES FOR TWO MEMBERS OF THE COMMITTEE ON HEALTH TO ATTEND THE NATIONAL CONFERENCE ON HEALTH PLANNING.

WHEREAS, the National Conference on Health Planning is being held in Chapel Hill, North Carolina, April 24, 25, and 26 of this year; and

WHEREAS, the conference shall offer insight and information on the implications of the recently enacted National Health Planning and Resources Development Act of 1974; and

WHEREAS, this 1974 Act will require the creation of new health planning machinery in every state and local health service areas to replace current health planning activities; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That two members of the Committee on Health of the House shall be chosen by the Committee on Health to attend the National Conference on Health Planning, and the expense that the two members actually incur in attending this conference shall be reimbursed to them out of funds appropriated to the use of the Legislature; however, no such member shall be reimbursed a sum in excess of \$600.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 34, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

H. J. R. 30. DECLARING THE SECOND WEEK IN MAY AS "MUNICIPAL CLERKS' WEEK".

WHEREAS, our liberties are dependent upon keeping government close to the people, in fact as well as in theory; and

WHEREAS the municipal clerks of our cities and towns are of paramount importance to the detail functions of the community; and

WHEREAS the municipal clerks are the key source of knowledge in any community and are dedicated to their office and perform their duties and obligations in a sincere, honest and loyal manner; and

WHEREAS the municipalities would be materially handicapped were it not for the conscientious, unswerving and untiring efforts of their clerks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the second Week of May of each year is hereby designated as "Municipal Clerks' Week."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 30, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Biddle:

H. J. R. 29. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS the members of the general public and state officials are becoming alarmed at the increasing cost of these programs to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That there is hereby created a joint select interim committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The chairman of the committee shall be appointed by the Speaker of the House. The committee shall study all facets of the medicare and medicaid program with particular emphasis on the increasing cost to the state of such programs.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifteenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 29, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. White:

H. J. R. 40. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when they adjourn today, they adjourn to meet again on Tuesday, April 1, 1975, at 4:00 p.m.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 40, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 13. Relative to the two Houses meeting on Tuesdays and Thursdays.

Also:

S. J. R. 8. Relative to official statewide bicentennial projects and certified bicentennial restoration projects.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Pegues:

H. 5. Authorizing the county commission of Marengo County to pay the sheriff of Marengo County a monthly expense allowance of two hundred fifty dollars (\$250.00).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARENGO

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Authorizing the county commission of Marengo County to pay the sheriff of Marengo County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marengo County is authorized to pay from the county general fund to the sheriff of Marengo County, the sum of two hundred fifty dollars (\$250.00) per month as an expense allowance. Such allowance shall be in addition to any and all other compensation and allowances presently or hereinafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert E. Sutton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Publisher of the White Bluff Chronicle, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on January 9, January 16, January 23, and January 30, all in the year 1975.

ROBERT E. SUTTON.

Sworn to and subscribed before me February 6, 1975.

DOROTHY C. THOMPSON,
Notary Public.

Also:

By Messrs. Drake and Sparks:

H. 6. Levying in Cullman County, Alabama, additional special county privilege and license taxes, paralleling the state sales taxes provided for in Act No. 100 adopted at Second Special Session of the Alabama Legislature of 1959, as amended and supplemented, and additional special excise taxes paralleling the state use taxes provided for in Article 11, Chapter 20, Title 51, of the Code of Alabama of 1940, as amended and supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes, and for the enforcement of this Act by the State Department of Revenue; prescribing penalties and fixing punishment for violations of this Act; and to repeal Act No. 150, 1973 Regular Session of said Legislature, and any other laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Levying in Cullman County, Alabama, additional special county privilege and license taxes, paralleling the state sales taxes provided for in Act No. 100 adopted at Second Special Session of the Alabama Legislature of 1959, as amended and supplemented, and additional special excise taxes paralleling the state use taxes provided for in Article 11, Chapter 20, Title 51, of the Code of Alabama of 1940, as amended and supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes, and for the enforcement of this Act by the State Department of Revenue; prescribing penalties and fixing punishment for violations of this Act; and to repeal Act. No. 150, 1973 Regular Session of said Legislature, and any other laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: The following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“The County” means Cullman County in the State of Alabama.

“City of Cullman” means the City of Cullman in the County.

“Municipalities Other Than the City of Cullman” means, as of any particular time, each incorporated municipality in the County other than the City of Cullman which at the time exists in the County and which shall have been incorporated prior to the commencement of the then current Fiscal Year.

“The Commissioner” means the Commissioner of Revenue of the State.

“County Treasurer” means the county treasurer of the County or other officer or entity at the time that exercises the functions of treasurer of the County.

“State Highway Department” means the Highway Department of the State.

“Highway Director” means the director of the State Highway Department.

“State Department of Revenue” means the Department of Revenue of the State.

“State” means the state of Alabama.

“State Sales Tax Statutes” mean Act. No. 100 enacted at the Second Special Session of 1959 of the Legislature of the State, as heretofore amended and supplemented, including all other statutes of the State which expressly set forth any exemptions from the computation of the tax levied in said Act. No. 100 and all other statutes which expressly

apply to, or purport to affect, the administration of the said Act and the incidence and collection of the tax imposed therein.

“State Sales Tax” means the tax imposed by the State Sales Tax Statutes.

“State Use Tax Statutes” means Article 11, Chapter 20, Title 51 of the Code of Alabama of 1940, as amended and supplemented, including all statutes which expressly set forth any exemptions from the computation of the tax levied in the said Article 11 and all other statutes which expressly apply to or purport to affect the administration of the said article and the incidence and collection of the tax imposed therein.

“State Use Tax” means the tax imposed by the State Use Tax Statutes.

“Registered Seller” means the person registered with the State Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“Month” means a calendar month.

“Quarterly Period” means the period of three months ending on the last day of each March, June, September, and December.

“Fiscal Year” means the period commencing on October 1 of each year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms, and phrases used in this Act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes, and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied and imposed in the County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(A) Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within the County in the business of selling at retail any tangible personal property whatsoever including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

(B) Upon every person, firm, or corporation engaged or continuing within the County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football, and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the County, an amount equal to one percent of the gross receipts of any such business;

(C) Upon every person, firm, or corporation engaged or continuing within the County in the business of selling at retail machines or machinery used in the mining, quarrying, compounding, processing or manufacturing of tangible personal property (together with the parts of such machines or machinery, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines or machinery, and which are necessary to the operation of such machines and are customarily so used), an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, or machinery, and such parts, attachments, or replacements therefor;

(D) Upon every person, firm, or corporation, engaged or continuing within the County in the business of selling at retail any automotive vehicle, truck trailer, semi-trailer, or house trailer, an amount equal to one-half of one percent of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer, or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of one dollar and twentyfive cents per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding Months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person; and provided, further, that where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(E) Upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the

operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, an amount equal to one-half of one percent of the gross proceeds of the sale thereof; provided, however, that the one-half of one percent rate prescribed in this subsection (E) with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities; provided, that where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the States Sales Tax Statutes from the computation of the amount of the State Sales Tax.

Section 3. Levy of Use Tax. Excise taxes on the storage, use or other consumption of property in the County are imposed as hereinafter provided in this section.

(A) An excise tax is hereby levied and imposed on the storage, use, or other consumption in the County of tangible property purchased at retail, on or after the effective date of this Act, for storage, use or other consumption in the County on or after the effective date of this Act, at the rate of one percent of the sale price of such property (regardless of whether the retailer is or is not engaged in business in the County or in the State), except as provided in subsections (B), (C) and (D) of this section;

(B) An excise tax is hereby levied and imposed on the storage, use or other consumption in the County of any machines or machinery used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property (including parts of such machines or machinery and attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used), purchased at retail on or after the effective date of this Act for storage, use or other consumption in the County, at the rate of one-half of one percent of the sales price of such machines or machinery, and such parts, attachments or replacements therefor;

(C) An excise tax is hereby levied and imposed on the storage, use or other consumption in the County of any automotive vehicle, truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use, or other consumption in the County at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer; provided, that where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that

is, the difference in the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

(D) An excise tax is hereby levied and imposed on the storage, use or other consumption in the County of any machine, machinery, or equipment, which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this Act, for storage, use or other consumption in the County, at the rate of one-half of one percent of the sales price of such property; provided, that the one-half of one percent rate prescribed in this subsection (D) with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities;

(E) An excise tax is hereby levied and imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (A), (B), (C) and (D) of this section, on the storage, use or other consumption in the performance of a contract in the State of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the State, whichever is less; provided however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (A), (B), (C), or (D) of this section apply.

There are exempted from the provisions of this section and the tax imposed by this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the State Use Tax Statutes from the State Use Tax. Subject to those exemptions, every person storing or using or otherwise consuming in the County tangible personal property purchased at retail on or after the effective date of this Act shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a Registered Seller given pursuant to Section 6 of this Act to the purchaser of any property to be used, stored, or consumed in the County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the Month next succeeding the Month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the Month next succeeding each Quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such Quarterly Period to end on the last day of each of the Months of March, June, September and December. The taxes levied in Section 2 of this Act shall be paid to and collected by the State Department of Revenue at the same time and along with the payment and collection of the State Sales Tax; and the use tax levied herein shall be paid to and collected by the State Department of Revenue

at the same time and along with the payment and collection of the State Use Tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting forth with respect to all sales and business that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business and setting forth, with respect to the use tax levied herein, the total sales price of all property, the use, storage, or other consumption of which became subject to the said tax during the then preceding Quarterly Period.

Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the Month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the County or its designated agent, at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the County in a business subject to the tax levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the tax levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every Registered Seller making sales of tangible personal property for storage, use, or other consumption in the County (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale or if the storage, use, or other consumption of such tangible personal property in the County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the Month next succeeding following the close of each Quarterly Period, each Registered Seller shall file with the State Department of Revenue a return for the then preceding Quarterly Period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such Registered Seller, the storage, use, or other consumption of which became subject to the use tax herein imposed during the then preceding Quarterly Period; and each return shall be accompanied by a remittance of the amount of the use tax required to be collected by such Registered Seller during the period covered by the return; provided, that any Registered Seller may defer collecting the tax with respect to credit sales until

collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collection made during the preceding Quarterly Period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a Registered Seller the tax with respect to the use, storage, or other consumption of tangible personal property in the County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use tax imposed herein, and who has not paid the said use tax due with respect thereto to a Registered Seller, shall report and pay said use tax as required by Section 4 hereof. It shall be unlawful for any Registered Seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use tax imposed herein or to refund or offer to refund or absorb or to advertise directly or indirectly the absorption of said use tax or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this Act shall constitute a debt due the County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of the State which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of the County, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcements all rights and remedies that the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and otherwise to enforce the provisions of this Act., including any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment, and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the State Use Tax Statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act

when applied to the use tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations with respect to the taxes herein levied that are imposed on the Commissioner and the said Department, by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Charge of State Department of Revenue; Its Disposition of Tax Proceeds. The State Department of Revenue shall charge the County for collecting the taxes levied herein the costs to the said Department of collecting the said taxes; provided such charge shall not, in any event, exceed ten percent of the total amount of the taxes collected hereunder. Such charge for collecting the said taxes for the County may be deducted each Month from the tax proceeds collected before the amount of the said proceeds due the County for that Month is certified as provided in this section. The Commissioner shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the State Department of Revenue; and on or before the first day of each successive Month (commencing with the Month next succeeding the Month in which the said Department makes the first collection hereunder) the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the County during the Month immediately preceding the making of such certificate; and shall state separately in the said certificate the amount of the proceeds so collected from the tax levied in Section 2 hereof and the amount of the proceeds so collected from the tax levied in Section 3 hereof. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the County during each Month, the Commissioner may deduct from the taxes collected hereunder in said Month the charges due the said Department for collection of the said taxes. It shall be the duty of the State Comptroller (i) to issue his warrant each Month, payable to the County Treasurer in his official capacity, in an amount equal to the amount so certified by the Commissioner as having been collected for the use of the County, and (ii) to transmit to the County Treasurer, along with the said warrant, a copy of the said certificate by the Commissioner.

Section 10. Use of Tax Proceeds.

(A) Distribution by County Treasurer.

(1) During Initial Period of Three Hundred Seventy-two Months. Commencing with the first Month during which proceeds from the taxes herein levied are paid to and received by the County Treasurer pursuant to the provisions of Section 9 hereof, and continuing for three hundred seventy-one (371) consecutive months thereafter, the County Treasurer shall make monthly distributions of the proceeds so paid to him as follows:

(i) \$33,334 of the proceeds from the tax levied in Section 2 hereof shall be paid each Month to Cullman County Hospital Board, a public corporation existing under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama as amended;

(ii) one-half (50%) of the residue of the proceeds from the taxes herein levied that remains each Month after the payment provided for in

the foregoing clause (i) of this paragraph (the said residue consisting of (A) that portion of the tax levied in Section 2 of this Act remains each Month after making the payments provided for in the said clause (i) and (B) the entire proceeds of the use tax herein levied that is received by the County Treasurer each Month) shall be paid monthly to the City of Cullman; and the remaining one-half (50%) of the said residue is hereby allocated to the County.

(2) After the Said Initial Period. Commencing with the Month next succeeding the Initial Period hereinabove referred to, and continuing each Month thereafter the County Treasurer shall distribute one-half (50%) of the entire tax proceeds to the City of Cullman; and the remaining one-half (50%) of the said tax proceeds is hereby allocated to the County.

(B) Use of Tax Proceeds Distributed to Cullman County Hospital Board. The portion of the said tax proceeds that is hereinabove provided to be paid to Cullman County Hospital Board is hereby appropriated to the said Board and shall be used by it solely for payment of costs to the Board of capital improvements to its public hospital, including payment of the principal of and interest on any bonds or other securities heretofore or hereafter issued by Cullman County Hospital Board for payment of costs of such capital improvements and for payments into any special funds that may be established for retirement of any such bonds or other securities in the proceedings providing for their issuance. The term "capital improvements" as used in this subsection (B) includes improvements, additions, and replacements to the said public hospital that are of such nature as to be chargeable to fixed capital account by generally accepted accounting principles, and real estate on which any such improvements, additions or replacements are proposed to be located. The said term shall be deemed to include additional structures and shall be deemed also to include equipment and other personal property when chargeable to fixed capital account by generally accepted accounting principles, and shall not include any operating expenses of the said hospital.

(C) Use of Tax Proceeds Distributed to the City of Cullman. The portions of the said tax proceeds that are hereinabove provided to be paid to the City of Cullman may be used by the said City for any lawful purpose.

(D) Disposition of Tax Proceeds Allocated to the County. The tax proceeds hereinabove allocated to the County shall be distributed by the County Treasurer monthly as follows:

(1) One-fifth (20%) of said tax proceeds allocated to the County and received by it each Month shall, during each successive Month (commencing with the first Month when proceeds from the taxes herein levied are received by the County Treasurer), be prorated among and paid to the Municipalities Other Than the City of Cullman in the ratio or proportion that the population of each Municipality Other Than the City of Cullman bears to, or constitutes of, the total population of all Municipalities Other Than the City of Cullman, as the population of each of the Municipalities Other Than the City of Cullman may be shown by the then most recently completed official census (whether a federal census or municipal census) with respect to such population; and the tax proceeds distributed under this paragraph (1) may be used for any lawful purpose by each municipality receiving any of the said tax proceeds.

(2) \$8,334 of the said tax proceeds allocated to the County and received by it each Month is hereby appropriated for use in paving and

resurfacing roads and constructing, repairing, and maintaining bridges in the County shall be paid by the County Treasurer each Month to the Highway Director, and shall be used exclusively by the Highway Director and the State Highway Department for such paving and resurfacing of roads and construction, repairing and maintaining of bridges in the County. The amounts to be so paid to the Highway Director shall be in addition to any and all sums used pursuant to any other law by the Highway Director for the construction, reconstruction, repair and maintenance of roads and bridges in the County. The expenditure by the State Highway Department of the sums paid to the Highway Director hereunder shall be made only on projects which have been consented to by the governing body of the County; and if any portion of said sums should remain unexpended at the end of any end of any Fiscal Year, the said unexpended portion shall be remitted, as promptly thereafter as may be practicable, by the Highway Director to the County and deposited in its general fund. An annual accounting of the sums paid to the Highway Director hereunder shall be made in October of each year by the Highway Director to the governing body of the County.

(3) The residue of the portion of the tax proceeds allocated to the County hereunder, after making the monthly payments herein provided to be made to the Municipalities Other Than the City of Cullman and to the Highway Director shall be retained or paid into the general fund of the County and may be used by the County for any lawful purpose.

The County Treasurer, as promptly as may be practicable after receiving the tax proceeds allocated herein to the County, shall draw warrants payable to each Municipality Other Than the City of Cullman for its respective pro rata share of the tax proceeds and a warrant payable to the Highway Director for the moneys herein provided to be paid to him.

Section 11. Repeal Provisions. Act No. 150 adopted at the 1973 Regular Session of the Legislature of Alabama shall be and hereby is repealed; and any other laws or parts of laws in conflict with this Act are also repealed.

Section 12. Severability Clause. The provisions of this Act are severable. If any of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Effective Date. This Act shall become effective on the first day of the Month next following the expiration of thirty days from the date this Act becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 13, Feb. 20, Feb. 27, and March 6, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me March 17, 1975.

CHARLOTTE MILLER,
Notary Public.

Also:

By Mr. Folmar:

H. 43. Relating to counties having populations not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Also:

By Messrs. Carter and Moore (W):

H. 49. To amend Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds"; so as to further regulate the salary of the county superintendent of education.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds"; so as to further regulate the salary of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary expenses and allowances of the superintendent;

providing for the payment of monthly expense allowances to members of the board of education from such funds" is hereby amended to read as follows:

"Section 3. The Limestone County Board of Education shall have the authority to set the annual salary of the Superintendent of Education at not less than \$12,000 per annum and not to exceed \$21,000 per annum and shall also have authority to set travel and all other expenses of the superintendent not otherwise allowed by law. When the board of education deems it necessary or advisable, they shall have authority to raise the superintendent's salary and allowance for travel and other expenses during any term of office."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bob Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Athens News Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 31, 1974, Jan. 4, Jan. 14, and Jan. 21, all in the year 1975.

BOB BRYAN.

Sworn to and subscribed before me Feb. 14, 1975.

EDNA B. BRACKEEN,
Records.

Also:

By Messrs. Carter and Moore (W):

H. 50. Relating to Limestone County; providing further for the compensation of election officials.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. In Limestone County the officers appointed to hold elections, upon proper proof of services rendered, shall each be entitled to five dollars (\$5.00) a day in addition to all other compensation provided for by law. In case of a municipal election or primary, the additional compensation shall be paid by the city or town holding the election or primary; in all other cases the additional compensation shall be paid by the county and no part thereof shall be paid or refunded by the state.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed as to Limestone County.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for the said County in said State, this day personally appeared Bob Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Athens News Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 31, 1974, Jan. 4, Jan. 14, and Jan. 21, all in the year 1975.

BOB BRYAN.

Sworn to and subscribed before me Feb. 14, 1975.

EDNA B. BRACKEEN,
Records.

Also:

By Messrs. Carter and Moore (W):

H. 51. Relating to Limestone County; to provide further for the compensation for the members of the jury commission.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; to provide further for the compensation for the members of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Limestone County is hereby authorized and empowered to pay each member of the jury commission out of the general fund in the county treasury such an amount, as will make his compensation equal \$20.00 per day for each day he is actually engaged in the discharge of his duties when totaled with all other compensation he is authorized to be paid by law for serving as a jury commissioner.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its other wise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Hollice Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Limestone Reporter, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 1-22-75, 1-29-75, 2-5-75, and 2-12-75, all in the year 1975.

HOLLICE SMITH.

Sworn to and subscribed before me February 14th, 1975.

CHERYL E. HOLDEN,
Notary Public.

Also:

By Mr. Dial:

H. 52. To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 5, 6, 43, 49, 50, 51 and 52. To the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Campbell and Manley:

H. 72. To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENACTED
AN ACT

To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Cuba in Sumter County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within such corporate limits of the town, certain land lying and being in Sumter County and more particularly described as follows:

Beginning at the Southeast corner of the Northeast Quarter of Section 27, run North along the East line of said Northeast Quarter of Section 27 to the Northeast corner of Section 27, which point is also the Southwest corner of Section 23; thence East along the South line of Section 23 to the Southeast corner of the West Half of Section 23; thence North along the East line of the West Half of Section 23 and the East line of the West Half of Section 14 to the Northeast corner of the West Half of Section 14; thence West along the North line of Section 14, the North line of Section 15, and the North line of the Northeast Quarter of Northeast Quarter of Section 16 to the Northwest corner of the East Half of East Half of Section 16; thence South along the West line of the East Half of East Half of Section 16, the West line of the East Half of East Half of Section 21, and the West line of the East Half of the Northeast Quarter of Section 28 to the Southwest corner of the East Half of Northeast Quarter of Section 28;

thence East along the South line of the East Half of Northeast Quarter of Section 28 and the South line of the North Half of Section 27 to the point of beginning.

All of the above lands lie in Township 17 North, Range 4 West, Sumter County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ray Narro, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sumter County Journal, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 12-4-1974, 12-11-1974, 12-18-1974, and 12-25-1974, all in the year 1974.

RAY NARRO.

Sworn to and subscribed before me March 17, 1975.

FRANK P. CAMPBELL,
Notary Public.

Also:

By Messrs. Coburn and Goodwin:

H. 22. Relating to counties having populations of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census to provide for the compensation of certain deputy sheriffs in such counties who are engaged in enforcing state traffic and motor vehicle laws to be paid from the county public highway and traffic fund.

Also:

By Messrs. Plaster and Lockett:

H. 73. To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA AUTAUGA COUNTY

Notice is hereby given that a Bill, substantially as follows, will be

introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

"A BILL
TO BE ENTITLED
AN ACT"

"TO authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama Regular Session, 1969.

Be It Enacted by the Legislature of Alabama:

"Section 1. The Clerk of the Circuit Court of Autauga County, Alabama, may appoint one Chief Deputy Clerk and additional Deputy Clerks to serve under his direction and at his pleasure. The Chief Deputy Clerk shall be paid an annual salary of not less than Seven Thousand Two Hundred Dollars, which salary shall be fixed and determined by the Autauga County Commission, or other like governing body of said county, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the county upon proper claim being made. Other additional Deputy Clerks shall be paid an annual salary of not less than Four Thousand Eight Hundred Dollars per year, which salary shall be fixed and determined by the Autauga County Commission, or other like governing body of said county, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the County upon proper claim being made.

"Section 2. This Act repeals and supersedes Act. No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

"Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Norman E. Ridenhour, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on January 16, January 23, January 30, and February 6, all in the year 1975.

NORMAN E. RIDENHOUR.

Sworn to and subscribed before me March 17, 1975.

HELEN H. BARNES,
Notary Public.

Also:

By Messrs. Sparks and Crowe:

H. 92. Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties.

Also:

By Messrs. Sparks and Crowe:

H. 93. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk hire allowance for the office of Judge of Probate.

Also:

By Mr. Smith (M):

H. 103. To provide each county commissioner but not the chairman of the county commission in counties having populations of not less than 17,000 nor more than 20,000 an expense allowance, such allowance to be payable out of the general fund of the county.

Also:

By Messrs. Carothers and Smith (J):

H. 105. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to redesignate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Deputy District Attorney No. 1 and Deputy District Attorney No. 2 of Houston County, Alabama, shall be abolished.

Section 2. The offices of Assistant District Attorney No. 1 and Assistant District Attorney No. 2 of Houston County, Alabama, are hereby created in lieu of the present offices of Deputy District Attorney No. 1 and Deputy District Attorney No. 2. The two Assistant District Attorneys of Houston County, Alabama, No. 1 and No. 2, shall be appointed by and shall serve at the pleasure of the District Attorney of the 20th Judicial Circuit. Each Assistant District Attorney must be a resident of Houston County, Alabama. Each Assistant District Attorney must be qualified by the Courts of this State for the practice of law, but he shall not be subject to the provisions of Subsection 12 of Section 229, Title 13, Code of Alabama 1940.

Each Assistant District Attorney shall perform such duties and exercise such authority as may be prescribed by law pertaining to duties and authority of Deputy District Attorneys, and by the District Attorney of the 20th Judicial Circuit.

Section 3. The salary of Assistant District Attorney No. 1 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed \$9600.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General Fund of said County. The salary of Assistant District Attorney No. 2 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed \$7200.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General fund of said County.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared Mirl Crosby, who is known to me and who, being by me first duly sworn, deposes and says: That he is General Manager of the Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: Feb. 6, 13, 20, 27, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

MIRL CROSBY.

Sworn to and subscribed before me on this 19 day of March, 1975.

SARAH C. BOYDE,
Notary Public.

Also:

By Mr. Rich:

H. 110. Relating to counties having a population of not less than 15,400 nor more than 15,625 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Also:

By Messrs. Lee and Robertson:

H. 99. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Also:

By Mr. Robertson:

H. 107. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 72, 22, 73, 92, 93, 103, 105, 110, 99 and 107—to the Standing Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King, Baker, Flipppo, McDonald (S), Gilmore, Waldrop, Fine and Bank:

S. 9. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Director of Finance to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office

buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

By Messrs. Gilmore, Pearson, Clemon, McMillan and Vacca:

S. 78. To exempt The Diabetes Trust Fund, Inc. from the payment of all state, county, and municipal sales and use taxes and provides for retroactive effect.

By Mr. Torbert:

S. 33. To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

By Mr. Littleton:

S. 75. To appropriate \$5,000 from the state general fund to the Chilton County Peach Festival Committee.

By Messrs. Waldrop, Mitchell and Foshee:

S. 20. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements

for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

By Messrs. Stewart, Waldrop, Owen, Flipppo, Fine, Torbert, Powell, Wilson, Vacca, Jones, Perry, Perloff, Shelby, McMillan, Gilmore, Bank, Weaver, Mims, Foshee, Adams, Little and St. John:

S. 29. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee and to provide appropriation therefor.

Mr. Noonan, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bank, Mims and Shelby:

S. 40. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Mr. Noonan, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims (With Substitute) (With Amendment):

S. 52. To provide that persons employed in county health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

Mr. Noonan, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (S) and Mims:

S. 81. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John, Torbert, Flippo, Perloff, Mitchell, Fine, McMillan, Pearson, Wilson and Bank (With Substitute) (With Amendments):

S. 1. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker and McDonald (S):

S. 11. To repeal Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county."

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 13. Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract, retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

By Mr. Littleton:

S. 79. To provide that the county commission in all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census is authorized to provide an additional expense allowance to the judge of the inferior court and the circuit clerk.

RESOLUTIONS

Messrs. Ellis, Pearson, McMillan, Clemon, Noonan, Stewart, Wilson, Adams, Perry, Little, Torbert, Flipppo, Foshee, Littleton, McDonald (A), Waldrop and King offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. REQUIRING CERTAIN DUTIES OF THE STATE PERSONNEL BOARD RESPECTING THE CLASSIFICATION OF POSITIONS FOR EMERGENCY MEDICAL SERVICES AND THE ESTABLISHMENT OF RATES OF PAY

WHEREAS, the health of the people of the State of Alabama is of paramount importance, and the provision for more adequate and efficient emergency medical services personnel is of dire and vital import; and

WHEREAS, in order to carry out the mandates expressed by the legislature to provide comprehensive health planning and particularly to provide for the employment of personnel of the highest qualification and competence in the emergency services division of the state health department is basic to the success of the entire program; and

WHEREAS, intense competition among private and governmental agencies for persons skilled in emergency health services and the protection of health makes it impossible to recruit qualified new personnel and makes it difficult to retain competent personnel under present conditions; and

WHEREAS, the increased and expanding programs for providing emergency health services throughout the nation has created and will create intense competition among those programs for the limited supply of top quality medical technicians and persons skilled in allied health services, and there is strong evidence that pay rates currently applicable to such employees in Alabama fall far below the national average and below the Southeastern regional average for such pay rates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state personnel board shall provide for the establishment within the state merit system of new job descriptions defining the duties of emergency medical personnel and prescribing requirements for qualifying for such positions. Within 30 days after the effective date of this resolution, the said board is hereby directed to make surveys of the other states within the Southeastern region to determine prevailing rates of pay for comparable emergency medical service positions as such positions are classified under this state's merit system law. Within 60 days after the effective date of this resolution, the said board shall set and maintain rates of pay for emergency medical service positions as such positions are respectively classified, at no less than the median of the prevailing rates for such positions in the Southeastern region. The state personnel board is also directed to update rates of pay biennially for emergency medical service positions in the same manner as such rates are originally established in order to attract and retain competent personnel.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the state personnel board and the Governor.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. MOURNING THE DEATH OF MR. JAMES MORRIS FORD OF GADSDEN.

WHEREAS Mr. James Morris Ford was a life long resident of Gadsden, Alabama, where he served very ably as Postmaster of the Gadsden Post Office; and

WHEREAS Mr. Ford was a loved and respected member of the community and an active member of the First United Methodist Church, where he served as a member of the Official Board and Bible Class teacher; and

WHEREAS Mr. Ford also gave of his time and efforts to his community through the Gadsden Civitan Club and the Etowah County TB Association; and

WHEREAS this Legislature would like to pay tribute to this fine man whose life enriched the lives of his neighbors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Morris Ford and express our deep and sincere sympathy to his widow, Mrs. Virginia Hubbard Ford and his family to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. MOURNING THE DEATH OF EMORY LOYD BOGGS OF GADSDEN

WHEREAS Emory Loyd Boggs was a fine young man and a devoted Christian whose life was dedicated to the ministry; and

WHEREAS Emory Boggs was preparing for this career of service to God and man at Gadsden State Junior College while remaining active in the Bellevue United Methodist Church and the Extended Ministries Association; and

WHEREAS Emory Boggs' love and concern for his fellowman found further expression when he helped found the Free Fellowship House, when he was youth director of the First United Methodist Church of Attala, and when he was the physical director of the Central Boys Club; and

WHEREAS Emory Boggs life was cut short by a wanton and senseless act of violence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Emory Loyd Boggs and express our deep and sincere sympathy to his parents, Captain and Mrs. W. L. Boggs, and his family, to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. MEMORIALIZING CONGRESS TO SUBMIT TO THE FIFTY STATES A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND THE EIGHTH AMENDMENT TO THE U. S. CONSTITUTION TO PROVIDE THAT CRUEL AND UNUSUAL PUNISHMENT SHALL NOT INCLUDE THE DEATH PENALTY FOR ANYONE DULY CONVICTED OF A CAPITAL OFFENSE.

WHEREAS the Founding Fathers of our country and the Framers of the U. S. Constitution did not intend the meaning of "cruel and unusual punishment" under the Eighth Amendment to be a prohibition against the death penalty; and

WHEREAS the Supreme Court itself on numerous occasions in the past has held that capital punishment did not violate the provisions of the Eighth Amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the United States Congress is hereby memorialized to submit to the fifty states of this republic a proposed Constitutional Amendment to amend the Eighth Amendment to the United States Constitution to provide that cruel and unusual punishment shall not include the death penalty for anyone duly convicted of a capital offense.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the members of both Houses of the U. S. Congress and to the Legislature of each of the other States of the Union.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 64. To provide for a summary distribution for estates comprised of personal property only of \$3,000 or less, upon the transfer of an affidavit, without administration as is required by existing laws.

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 64, to-wit:

AMENDMENT TO S. B. 64

Amend Senate Bill No. 64, Page 3, Line 23, by striking out the word "distributed" after the word "be" and inserting in lieu thereof the word "paid".

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—27

Nays:

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And said Bill, S. B. 64, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 19. To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—27

Nays:

—0

The Bill:

S. 57. To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacture, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 58. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

was taken up.

The Standing Committee on Constitution and Elections reported the following amendment to the Bill, S. B. 58, to-wit:

COMMITTEE AMENDMENT TO S. B. 58

In Section 1, page 1, line 29, insert immediately after the word "application" the following words:

to the issuing authority

Mr. McDonald (A) offered the following substitute for the Bill, S. B. 58, and pending amendment, to-wit:

SUBSTITUTE FOR S. B. 58

A BILL
TO BE ENTITLED
AN ACT

To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Owners of motor vehicles who are residents of Alabama upon application to the Probate Judge or Commissioner of Licenses, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags, as provided by law for private passenger or pleasure motor vehicles, and the payment of an additional fee of \$50.00 shall be issued license plates upon which in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the applicant by the state department of revenue.

Section 2. The state department of revenue shall make such rules and regulations as necessary to insure compliance with all state license laws relating to use and operation of a private passenger or pleasure motor vehicle which must be complied with before these tags in lieu of the regular Alabama license plates may be obtained, and such rules and regulations as necessary to provide for the application for and issuance of such special tags.

Section 3. The state department of revenue shall, on or before the first day of January of each year, furnish to the sheriff of each county of the State of Alabama an alphabetically arranged list of the names, addresses and license tag letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige or combination thereof, of each person to whom a license tag is issued under the provisions of this act, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

Section 4. No two owners will be issued identical plates for the same year. An owner who has procured special personalized prestige tags shall be entitled to have a plate issued for succeeding years bearing the same inscription, provided that he applies therefor within the time prescribed by the commissioner of revenue and pays the fee above prescribed. However, should the holder of a personalized plate fail within the prescribed time to apply for renewal thereof, then a plate of such design may in subsequent years be issued to any other person applying therefor.

Section 5. Any other provision of law to the contrary notwithstanding, when an automobile for which a personalized plate has been issued is sold or otherwise disposed of, the seller must remove the personalized plate from such automobile, and he then may transfer said personalized plate to a newly acquired automobile of the same class upon payment of the regular transfer fee and all other regular fees and taxes due upon the newly acquired automobile; provided, further that any automobile from which a personalized plate has been transferred or removed by a former owner shall be registered and licensed by its new owner for operation on the public roads in the same manner as any unlicensed vehicle, except that no ad valorem tax shall be due on such automobile if same was paid for the current year by the former owner.

Section 6. It shall be unlawful for any person to operate a motor vehicle bearing a personalized license plate not issued for or duly transferred to such vehicle. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by Code of Alabama, Title 15, Section 327.

Section 7. Twenty percent of the amount of all fees collected under this act shall be deducted as a first charge thereon and is hereby appropriated each fiscal year to the Department of Revenue and the Board of Corrections, share and share alike, with which to pay the cost of manufacture and distribution of special personalized prestige tags and administering this act. The balance of the proceeds of any fees collected hereunder is hereby appropriated for each fiscal year to the Highway Department for its use.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Perloff, said substitute was laid on the table.

The question was then on the amendment reported by the Standing Committee on Constitution and Elections, and said amendment was then adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—23

Nays:

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The Standing Committee on Constitution and Elections then reported the following amendment to the Bill, S. B. 58, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 58

In Section 7, page 3, lines 22 through 28, strike the first sentence of the section and the words "balance of the" in the second sentence.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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Mr. Perloff offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

AMENDMENT TO S. B. 58

Amend S. B. 58 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. Owners of motor vehicles who are residents of Alabama upon application to the Probate Judge or Commissioner of Licenses, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags, as provided by law for private passenger or pleasure motor vehicles, and the payment of an additional fee of \$50.00 shall be issued license plates upon which in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the applicant by the state department of revenue.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Stewart, Torbert, Vacca, Waldrop.

—24

Nays:

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And said Bill, S. B. 58, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee,

Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—27

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McNees:

H. J. R. 28. Commending Mrs. Willielary Stewart on being named 1974 Alabama Mother of the Year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Pearson, McMillan and Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. COMMENDING THE REV. DR. NELSON H. SMITH FOR TWENTY-ONE YEARS OF DEVOTED SERVICE TO THE NEW PILGRIM BAPTIST CHURCH AND THE BIRMINGHAM COMMUNITY; AND FOR HIS OUTSTANDING REPRESENTATION OF THE STATE OF ALABAMA AS PRESIDENT OF THE PROGRESSIVE NATIONAL BAPTIST CONVENTION.

WHEREAS the Rev. Dr. Nelson H. Smith has for twenty-one years been a prominent and influential leader in the civic and religious life of Birmingham, during which time he has rendered dedicated and steadfast service to the New Pilgrim Baptist Church; and

WHEREAS he has brought great honor to this state through his outstanding service as President of the Progressive National Baptist Convention; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Rev. Dr. Nelson H. Smith be heartily commended and congratulated for this distinguished service to his community and his state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Rev. Smith and to the New Pilgrim Baptist Church.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McDonald (A), King and Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. CONGRATULATING AND COMMENDING MISS SALLY CASH, THE 1975 ALABAMA MAID OF COTTON

WHEREAS Miss Sally Cash, the beautiful nineteen year old daughter of Mr. and Mrs. Mitchell Cash of Huntsville has been named the 1975 Alabama Maid of Cotton; and

WHEREAS Miss Cash is a sophomore majoring in mathematics at the University of Alabama, where she is on the Dean's List; and

WHEREAS this body recognizes the vital economic importance cotton has had in the history of our state and we think that it is most appropriate that this gracious and charming Maid of Cotton hails from Madison County, the number one cotton producing county in Alabama; and

WHEREAS Miss Cash is a credit to the State of Alabama and her personality and charm, in addition to her brains and beauty, make her an admirable candidate for National Maid of Cotton.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Cash upon her selection as Maid of Cotton.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Cash and to her parents.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. MOURNING THE DEATH OF MR. HOLLEY MITCHELL.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of Mr. Holley Mitchell; and

WHEREAS, Mr. Mitchell was the landscape engineer for the State of Alabama Highway Department; and

WHEREAS, Mr. Mitchell was responsible for landscaping along Alabama's vast road system in addition to maintenance consideration and highway design and construction; and

WHEREAS, he was the recipient of numerous awards on both the national and regional levels; and

WHEREAS, he was a city planner for the State Planning and Industrial Development Board, and a founder and vice president of Keep Montgomery Beautiful; and

WHEREAS, Mr. Holley Mitchell was well-known to garden club members and worked with individual clubs throughout the state on roadside developments; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of

Mr. Holley Mitchell and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. MOURNING THE DEATH OF ARTHUR DOUGLAS ALLEN.

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the death of Mr. Arthur Douglas Allen; and

WHEREAS, Mr. Allen served three terms as a member of the Randolph County Commissions Court from District 4; and

WHEREAS, Mr. Allen was a devoted community builder who served his people with great love and dedication; and

WHEREAS, he was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, county and state; and

WHEREAS, Mr. Allen's enthusiasm for his work, his devoted services to his community, his wit and personal charm endeared him to all who knew him; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Arthur Douglas Allen and express our deep and sincere sympathy to his widow, Mrs. Annie Lois Allen, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. MOURNING THE DEATH OF JAMES RAYMOND PARKER

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Raymond Parker, the chief of the accounting section of the Alabama Department of Conservation and Natural Resources, who departed this life on March 20, 1975; and

WHEREAS Mr. Parker was a veteran of the U.S. Army Air Corp, having served his country three and one-half years in World War II, and who served as a state employee since 1946 and who became the chief of the Conservation accounting section in 1949 and held that position continuously until the time of his death; and

WHEREAS Mr. Parker served under many Governors and Directors of Conservation, all of whom highly valued and sought his wisdom and knowledge on conservation fiscal and other matters; and

WHEREAS Mr. Parker, who was affectionately known to his multitude of friends simply as "Ray", reflected the uncommon endowments of foresight, perseverance and capacity for intelligent leadership and he shall be keenly missed by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS Ray Parker so exhibited throughout his life those admirable attributes of friendliness, devotion to duty and concern to his fellowman as to gain respect and affection of all who knew him, whether close friend or mere acquaintance; and

WHEREAS Ray Parker was not the kind of man who shouted his good deeds from the roof top but who quietly did many things on behalf of his fellowmen and friends without them ever knowing it; and

WHEREAS this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we mourn the death of James Raymond Parker and express our deep and sincere sympathy to his widow, Mrs. Juanita Parker, and his two daughters, Mrs. Lana Parker Baker and Mrs. Patricia Parker Calloway, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Commissioner of the Department of Conservation and Natural Resources with our request that it be permanently displayed at an appropriate spot on the premises of the department headquarters as a memorial to Mr. Parker.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 32. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings

and buildings, facilities and improvements for the accommodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gifts, and souvenir shops, boat service and storage facilities, and laundrettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporations, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 32, to-wit:

AMENDMENT TO S. B. 32

In Section 4 on page 6, insert after the comma at the end of line 13 the following words and figures:

or if the incorporators desire some other name,

Also in Section 13 on page 16, line 5, insert before the word "license" the following words and figures:

sales, use,

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—26

Nays:

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Mr. Torbert then offered the following amendment to the Bill, S. B. 32, as amended, to-wit:

AMENDMENT NO. 2 TO SENATE BILL 32

Amend Senate Bill 32 as follows:

1. In the title on line fifteen (15) of page three (3) insert after the first semicolon (;) the following: "to require the consent of municipal governing bodies for projects located either within their corporate limits or municipal police jurisdiction;"

2. In Section eight (8) on line twelve (12) of page eleven (11) insert after the word "located" the word "either", and in the same line insert after the word "limits" the words "or police jurisdiction".

3. In Section eight (8) on line fifteen (15) of page eleven (11) insert after the word "municipality" the following: "or municipal police jurisdiction;"

On motion of Mr. Gilmore, said amendment was laid on the table.

And said Bill, S. B. 32, as amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

S. 73. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

was taken up.

Mr. Jones offered the following amendment to the Bill, S. B. 73, to-wit:

AMENDMENT TO S. B. 73

Amend Senate Bill 73 by adding as Section 2 the following and renumber the remaining sections.

Section 2. Provided, however, that nothing contained in this Act shall be construed to usurp the authority or affect the funding of the Department of Pensions and Security under the public welfare laws of this State, under other existing laws of this State as the same may hereafter be amended, or services administered by the Department of Pensions and Security as the single State agency designated to administer funds and services under State or Federal Legislation, including but not limited to the federal Social Security Act and the Food Stamp Act of 1964, as amended. Nor shall any portion of this act usurp the authority of the Alabama Commission on Aging as the state agency designated as an advocate for Alabama's senior citizens by the Alabama Legislature; and as the state agency designated to administer the Older Americans Act of 1965, as amended.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Wilson.

—24

Nays:

—0

And said Bill, S. B. 73, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flipppo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Powell, St. John, Stewart, Vacca.

—19

Nay: Mr. Edwards.

—1

BILL RECONSIDERED

On motion of Mr. St. John, the Senate reconsidered the vote by which the Bill, S. B. 64, was passed.

On motion of Mr. St. John, the Senate postponed further consideration of the Bill, S. B. 64, until the next Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 4. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial

census; to provide for the appointment of certain county officials by members of the legislative delegation.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 4, to-wit:

SUBSTITUTE FOR S. B. 4

A BILL TO BE ENTITLED AN ACT

Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of certain county officials and members of public bodies by members of the legislative delegation representing the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census.

Section 2. The members of the legislative delegation representing any county to which this act applies shall appoint:

1. The license inspector of any such county, who shall serve at the pleasure of the legislative delegation.

2. The members of the board of registrars of any such county, who may be removed at the will of such legislative delegation or a majority thereof, at anytime, with or without cause, and without giving their reasons therefor, and if not so removed may hold office for four years from the time of their appointment and until their successors are appointed.

3. The members of the jury commission, who shall be appointed for and only during the tenure of office of the legislative delegation making the appointment and until their successors are appointed and qualified.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Flippo, said substitute was laid on the table.

And said Bill, S. B. 4, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 45. Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 49. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 63. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to redesignate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

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Nays:

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• The Bill:

S. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having a population of not less than 37,500 nor more than 39,200, according to the most recent or any subsequent federal decennial census, and giving this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 77. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 62. To provide for, and regulate, the office of Register of the Circuit Court in every County of the State having a population of 600,000

or more according to the last or any subsequent federal census; to provide that such office shall be a County office subject to any civil service law applying to employees of the County; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 66. Relating to judicial procedure, and to provide that the selecting and empaneling of juries in all criminal and quasi-criminal cases in the circuit courts in counties having populations of 600,000 or more according to the last or any future federal decennial census, except that the court in its discretion may order the selection of one or two alternate jurors in the manner now prescribed by law for such counties; and to repeal conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 66, to-wit:

AMENDMENT TO S. B. 66

Amend S. B. 66 by deleting Section 2 in its entirety and inserting in lieu thereof the following:

“Section 2. Juries shall be selected and empaneled in criminal and in quasi-criminal cases in all counties in which this act applies in the manner prescribed by the general law, Code of Alabama 1940, Title 30, Chapter 5, Article 1, as amended and supplemented.”

On motion of Mr. Clemon, said amendment was laid on the table.

Mr. Clemon offered the following amendment to the Bill, S. B. 66, to-wit:

AMENDMENT TO SENATE BILL 66

Amend Senate Bill 66 by deleting Section 2 in its entirety and substituting in lieu thereof the following words and figures:

“Section 2. In every criminal case, any defendant or the prosecution may demand a struck jury. When so demanded, the clerk or his deputy or assistant or other person designated by the judge presiding, shall furnish all parties with a list of twenty-four competent jurors in attendance upon the court in all cases except in capital cases, and in capital cases shall furnish all parties with a list of thirty-six competent jurors in attendance

upon the court; and from such lists so furnished a jury must be obtained by the prosecution striking first from the list the name of one juror, and the defendant striking from the list the name of two jurors and thereafter continuing to strike off one name by the prosecution and two names by the defendant alternately until twelve jurors remain on the list, and these twelve thus selected shall be the jury charged with the trial of the case."

Further amend Senate Bill 66 by deleting in its entirety Section 3 and renumbering the remaining Sections.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 66, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Vacca, Waldrop, Wilson.

—25

Nays:

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RESOLUTIONS

Messrs. Jones, Foshee and King offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. TO ENCOURAGE CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO GIVE TAX PAYERS CREDIT ON THEIR TAXES THE DEDUCTION OF THEIR UTILITY BILLS AS A TAX ITEM.

WHEREAS the enormous increase of utility bills has put a tremendous burden on all the citizens of our country, and

WHEREAS this situation has reached a crisis situation in the State of Alabama and the rest of the country,

NOW THEREFORE BE IT RESOLVED that the Legislature of Alabama, both Houses concurring, urges the Alabama Congressional Delegation to introduce legislation to amend the Internal Revenue Code so that the home owners' utility bills will be a deductible item on their income tax;

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Alabama Congressional Delegation, both Senate and House members, and to President Ford.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 12 o'clock Noon, on motion of Mr. Foshee, the Senate adjourned until Thursday, April 3, 1975, at 10 o'clock A.M.

SIXTH LEGISLATIVE DAY

THURSDAY, APRIL 3, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Tony Gibson, Minister, First Baptist Church, Canoe, Alabama.

ROLL CALL

Present:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—31

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Givhan, Baker, Wilson and Bank for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 8. Designating restoration projects for the Bicentennial.

Also:

S. J. R. 13. Requesting the two houses of the Legislature to meet on Tuesdays and Thursdays.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Perry:

S. 96. To require any utility or telephone company that is required to obtain a certificate of convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction of any new facility to first obtain such certificate before instituting condemnation proceedings before the Probate or other courts of the state to condemn the land on which such new facility would be located; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Committee on Commerce, Transportation
and Utilities.

By Mr. Foshee:

S. 97. To forbid members of the Public Service Commission running for other public office except the Public Service Commission, but not for

party office, during their continuance in office as members of the Public Service Commission.

Committee on Commerce, Transportation
and Utilities.

By Mr. Fine:

S. 98. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 99. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 100. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 101. Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

Committee on Local Legislation No. 1.

By Mr. McMillan:

S. 102. To transfer Richmond Pearson Hobson Memorial Home, a property on the National Register of Historic Places, owned by the Richmond Pearson Hobson Memorial Board of the State of Alabama to the Alabama Historical Commission.

Committee on Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Andrews, Harrison and Biddle, III:

H. J. R. 12. CREATING A JOINT INTERIM COMMITTEE TO

STUDY REAL ESTATE PRINCIPLES, PRACTICES AND THE UPGRADING OF REAL ESTATE OPERATING AND LICENSING LAWS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That five members of the House and four members of the Senate, appointed by the presiding officer of the respective Houses be appointed to constitute a Joint Interim Committee to study real estate principles, practices and the upgrading of real estate operating and licensing laws. The chairman of the committee shall be appointed by the Speaker of the House and the vice-chairman shall be appointed by the Lieutenant Governor. The Committee shall file its written report and recommendations with the House and Senate not later than the 15th Legislative Day of the 1975 Regular Session.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting of the Committee. Such amount shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the Committee chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 12, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Kinsey:

H. J. R. 8. CREATING AN INTERIM COMMITTEE TO REEVALUATE THE PRESENT JOB CLASSIFICATION SYSTEM OF THE ALABAMA HIGHWAY DEPARTMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to make an in depth study of the classification system of this department. Such committee shall be composed of four members of the House to be appointed by the Speaker of the House and three members of the Senate, to be appointed by the President of the Senate. The director of the Finance Department, the director of the Highway Department, the executive director of the Alabama State Employees Association or its designated agent, and the coordinator of the Alabama Joint Council of Laborers and Operating Engineers, AFL-CIO, or their designated agents shall be ex officio members of the committee. The committee shall meet as soon as practicable after their appointment and select a chairman from among its members. It shall meet at such subsequent time or times upon the call of the chairman.

It shall be the duty of the committee to conduct an in-depth study of the operation of this department's classification system, but not limited

to, the problems of highway department employees and their compensation.

Members of the committee shall receive no compensation for their services but legislative members shall be entitled to their regular legislative pay and expenses on any day they meet when the legislature is not in session. All such pay and expenses of the committee shall be paid out of any funds appropriated to the use of the legislature.

The committee shall report its findings, conclusions, and recommendations to the legislature at any time not later than the fifth legislative day of the next regular session, whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 14. Wishing Senator Ellis a happy birthday.

Also:

S. J. R. 18. COMMENDING RONNIE SLOVENSKY ON BECOMING MINOR HIGH SCHOOL'S FIRST ALL AMERICAN.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 15. DECLARING THAT THE LAST FULL WEEK IN FEBRUARY OF EACH YEAR BE DESIGNATED ARBOR WEEK AND TO ENCOURAGE THE CITIZENS OF ALABAMA, PARTICULARLY SCHOOL CHILDREN, TO PLANT TREES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Sasser and Williams:

H. 20. To name the administration-classroom building at Alabama Aviation and Technical College in Ozark, Alabama, the Henry B. Steagall, II Building.

Also:

By Mr. Hill:

H. 39. Relating to the operation of vehicles in this state; amending further Code of Alabama 1940, Title 36, Sections 2 and 3, so as to provide that the driving of a vehicle of any kind by a person under the influence of any narcotic or drug or by an intoxicated person or the driving thereof recklessly on a public highway or road, or at any other place to which the public generally is invited shall be offenses proscribed by such sections.

Also:

By Mr. Turnham:

H. 55. To name Alabama Highway 10 from Abbeville to Fort Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

Also:

By Messrs. Smith (C), Moore (O) and Waggoner:

H. 82. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 20, 55 and 82. To the Committee on State Government.

H. B. 39. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turnham and McCorquodale:

H. 54. To designate the wild turkey as the official state game bird for the State of Alabama.

Also:

By Messrs. Sonnier, White, Hill, Sandusky, Malone and Callahan:

H. 27. Relating to insurance so as to require inclusion in all individual and group health insurance policies providing coverage on an

expense incurred basis and in all individual and group service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber of coverage of injury or sickness of newly born children; to define terms; to provide for all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Also:

By Messrs. Owens, Mitchem, Kinsey and Holley:

H. 71. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 54. To the Committee on Conservation.

H. B. 27. To the Committee on Health and Welfare.

H. B. 71. To the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Ford, Rich, Taylor and Brindley:

H. 56. Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Also:

By Mr. Lee:

H. 100. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Also:

By Messrs. Lee and Owens:

H. 101. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Also:

By Messrs. Lee and Owens:

H. 102. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

By Messrs. Coburn and Goodwin:

H. 113. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

By Messrs. Coburn and Goodwin:

H. 114. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

By Messrs. Coburn and Goodwin:

H. 115. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the LaGrange Historical Commission, by members of the legislative delegation representing the county.

Also:

By Messrs. Coburn and Goodwin:

H. 116. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

By Messrs. Carter and Moore (W):

H. 118. To amend Act No. 527, H. 1330, Regular Session 1973 (Acts 1973, p. 768), entitled, "An Act Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize the county commission of such counties to expend county funds for certain public recreation programs for minors up to 19 years of age," so as to provide further for such programs in such counties.

Also:

By Messrs. Taylor, Brindley, Ford and Rich:

H. 130. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to provide for an efficient administration of the financial affairs of such counties by establishing a sound budgetary system; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures by requiring all department heads, all county offices, boards or agencies receiving or desiring to receive appropriations from county government to submit written budget requests to the county commission; to provide that each district commissioner submit to the chairman of the county commission written budget requests; to provide for preliminary budget hearings on all written requests before adoption of a final budget; to prohibit the chairman of the county commission to sign any instrument to pay for any purchases beyond the approved budget; to provide that all the appropriations made by the county commission are maximum, conditional, and proportionate appropriations; to provide that the county commission shall have the authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to provide for a budget review board who will review said budget and make recommendations to the commission to allow budget flexibility; to set the effective date of this act and to appeal any conflict in laws.

Also:

By Messrs. Taylor, Brindley, Ford and Rich:

H. 131. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to require the county commission to make provisions for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of privilege or license taxes upon the sale of malt or brewed beverages collected by such commission, and to provide for the administration of the Act.

Also:

By Messrs. Taylor, Brindley, Ford and Rich:

H. 132. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such

counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Also:

By Messrs. Taylor, Brindley, Ford and Rich:

H. 133. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Also:

By Messrs. Smith (M) and Turnham:

H. 135. To authorize and empower the Library Board of any county with a population of not less than 35,000 nor more than 38,000 inhabitants to name the library building and the archives building located in any such county for any person whether living or deceased even though state funds may be used to finance the building, wholly or in part.

Also:

By Mr. Crowe:

H. 149. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Also:

By Messrs. Manley, Campbell and Clark:

H. 150. To provide an additional expense allowance to the judge of the 17th judicial circuit.

Also:

By Messrs. Manley and Pegues:

H. 151. Relating to Marengo County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARENGO

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marengo County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marengo County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 2. The actual cost of opening and constructing the road or driveway shall be borne and paid by the homeowner. The County governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county governing body, may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county governing body.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Goodloe Sutton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the The Democrat-Reporter, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 13, Feb. 20, Feb. 27, and March 6, all in the year 1975.

GOODLOE SUTTON.

Sworn and subscribed before me March 24, 1975.

JEAN R. SUTTON,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 56, 100, 101, 102, 113, 114, 115, 116, 118, 130, 131, 132, 133, 135, 149, 150 and 151. To the Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Flipppo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (With Substitute):

S. 7. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (S), Bank, Foshee, Clemon, Flipppo, King, Shelby and Baker (With Substitute):

S. 80. Relating to education; To remove the professional employees at the Director level of the Department of Education from the provisions of the merit system and repeal laws in conflict therewith.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (S), Torbert and Fine (With Substitute) (With Amendment):

S. 17. To amend Title 52, Section 41, as amended, Code of Alabama 1940, which relates to the appointment, term, qualifications and salary of the State Superintendent of Education so as to raise the top annual salary that can be paid to the State Superintendent of Education and provides that the State Board of Education may enter into a contract with the State Superintendent of Education for his services for a period not to exceed four years.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Drake and Sparks (with notice and proof):

H. 6. Levying in Cullman County, Alabama, additional special county privilege and license taxes, paralleling the state sales taxes provided for in Act No. 100 adopted at Second Special Session of the Alabama Legislature of 1959, as amended and supplemented, and additional special excise taxes paralleling the state use taxes provided for in Article II, Chapter 20, Title 51, of the Code of Alabama of 1940, as amended and supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes, and for the enforcement of this Act by the State Department of Revenue; prescribing penalties and fixing punishment for violations of this Act; and to repeal Act No. 150, 1973 Regular Session of said Legislature, and any other laws in conflict with this Act.

By Messrs. Sparks and Crowe:

H. 92. Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties.

By Messrs. Sparks and Crowe:

H. 93. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk hire allowance for the office of Judge of Probate.

By Mr. Smith (M):

H. 103. To provide each county commissioner but not the chairman of the county commission in counties having populations of not less than 17,000 nor more than 20,000 an expense allowance, such allowance to be payable out of the general fund of the county.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 33. Commending Earl Barnett upon his election as vice-president-president-elect of the Alabama Education Association.

Also:

By Mr. Smith (C):

H. J. R. 35. Congratulating the Montevallo Bulldogs, the Alabama 2-A basketball champions.

Also:

By Messrs. Porter, Johnson and McNair:

H. J. R. 36. Commending the Rev. Dr. Nelson H. Smith for twenty-one years of devoted service to the New Pilgrim Baptist Church and the Birmingham community; and for his outstanding representation of the state of Alabama as president of the Progressive National Baptist Convention.

Also:

By Mr. Morris:

H. J. R. 37. Commending Mrs. Louise Day for her service and wishing her a long and happy retirement.

Also:

By Mr. Kelley:

H. J. R. 38. Commending the Guntersville High School Basketball Team for winning the state class AAA basketball championship.

Also:

By Messrs. Killian and Mitchem:

H. J. R. 39. Congratulating the Collinsville Panthers, the 1975 class A state basketball champions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 33, 35, 36, 37, 38 and 39, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Little, McMillan and Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. RESOLUTION FOR NAMING OF THE G. W. "JEFF" BEARD ATHLETIC COURTS

WHEREAS, Coach G. W. "Jeff" Beard retired as Athletic Director of Auburn University in 1972 after 21 years of dedicated service and is currently serving as Director Emeritus, and

WHEREAS, during his distinguished and productive career, he established a record at Auburn which contributed greatly to the future of the institution as well as the Southeastern Conference and the National Collegiate Athletic Association, and

WHEREAS, under his leadership, 40,000 additional seats were added to Jordan-Hare Stadium, raising the capacity to 62,000, and other facilities such as Memorial Coliseum, Sewell Hall and the Wilbur Hutsell Track were added to the athletic plant, and

WHEREAS, Coach Beard took over the financially insolvent program and built it into a program of substance and fiscal soundness, and

WHEREAS, Coach Beard is a man of uncommon quality and held in rare high regard among sports figures, alumni and friends of the University, and

WHEREAS, he served for many years as president of the Southeastern Conference Athletic Directors and Coaches Association and has been named to both the Alabama Sports Hall of Fame and the National Association of Collegiate Directors of Athletics Hall of Fame, and

WHEREAS, in recognition of his years of service to Auburn University, the Board of Trustees has unanimously recommended that the new building adjacent to the Coliseum for handball, racketball and related sports be named the G. W. "Jeff" Beard Athletic Courts, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Coach Beard by naming these new courts the G. W. "Jeff" Beard Athletic Courts in respect and admiration for his years of leadership to the youth of our State.

BE IT FURTHER RESOLVED That copies of this resolution be sent to his wife and his three children, Jeff, Allen and Kitty Sue.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Stewart, Powell, McDonald (A), Adams, Little, Torbert, Shelby and Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. AUTHORIZING A STUDY OF ELEMENTARY AND SECONDARY SCHOOL BUILDINGS BY THE ALABAMA EDUCATION STUDY COMMITTEE

WHEREAS, during the Joint Interim Committee on Finance and Taxation Committee's budget hearings, numerous instances were pointed up where students in the Elementary and Secondary School system of this State were attending classes in buildings which were known to be hazardous to both the safety and health of these children, and

WHEREAS, numerous members of the Joint Interim Committee on Finance and Taxation, expressed concern that these conditions existed within the State's Elementary and Secondary School system, and

WHEREAS, the desire was expressed by many members of the joint committee to know the extent to which these problems exist throughout the State of Alabama, and to arrange for a possible solution and take steps to immediately eliminate conditions which may be injurious to the health of the students of this State,

NOW THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a study be immediately conducted under the auspices of the Alabama Education Study Committee to determine the extent of the above mentioned problem and a report made to the Legislature by June 1, 1975.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 9. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Director of Finance to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

was taken up.

Mr. Stewart moved that consideration of the Bill, S. B. 9, be postponed until the Eighth Legislative Day. On motion of Mr. King, the motion to postpone was laid on the table.

Yeas 18; Nays 11.

Yeas:

Messrs. Ellis, Fine, Flipppo, Foshee, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Pearson, Perloff, Powell, Roberts, St. John, Torbert, Waldrop.

Nays:

Messrs. Adams, Edwards, Jones, Little, Mims, Noonan, Owen, Perry, Shelby, Stewart, Vacca.

—11

And said Bill, S. B. 9, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 7.

Yeas:

Messrs. Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Waldrop.

—21

Nays:

Messrs. Edwards, Jones, Little, Mims, Noonan, Stewart, Torbert.

—7

At the request of Mr. Ellis, his name was added as co-sponsor of the above Bill.

The Bill:

S. 78. To exempt The Diabetes Trust Fund, Inc. from the payment of all state, county, and municipal sales and use taxes and provides for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Abstaining, 1.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—26

Nays:

—0

Abstaining: Mr. Fine.

—1

At the request of Messrs. St. John, Perloff and Ellis, their names were added as co-sponsors of the above Bill.

The Bill:

S. 33. To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 8.

Yeas:

Messrs. Adams, Clemon, Ellis, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—21

Nays:

Messrs. Edwards, Fine, Flippo, Foshee, Gilmore, King, Mitchell, Perloff.

—8

The Bill:

S. 75. To appropriate \$5,000 from the state general fund to the Chilton County Peach Festival Committee.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

—28

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 14. Wishing Senator Ellis a happy birthday.

Also:

S. J. R. 15. Designating Arbor Week.

Also:

S. J. R. 18. Commending Ronnie Slovensky.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 20. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver.

Nays:

—0

At the request of Mr. Powell, his name was added as co-sponsor of the above Bill.

RESOLUTION

Messrs. Stewart and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. AUTHORIZING A STUDY OF ELEMENTARY AND SECONDARY SCHOOL BUILDINGS BY THE ALABAMA EDUCATION STUDY COMMITTEE

WHEREAS, during the Joint Interim Committee on Finance and Taxation Committee's budget hearings, numerous instances were pointed up where students in the Elementary and Secondary School system of this State were attending classes in buildings which were known to be hazardous to both the safety and health of these children, and

WHEREAS, numerous members of the Joint Interim Committee on Finance and Taxation, expressed concern that these conditions existed within the State's Elementary and Secondary School system, and

WHEREAS, the desire was expressed by many members of the joint committee to know the extent to which these problems exist throughout the State of Alabama, and to arrange for a possible solution and take steps to immediately eliminate conditions which may be injurious to the health of the students of this State,

NOW THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a study be immediately conducted under the auspices of the Alabama Education Study Committee to determine the extent of the above mentioned problem including the availability of classroom space, and a report made to the Legislature by June 1, 1975.

On motion of Mr. Stewart, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 29. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee and to provide appropriation therefor.

was taken up.

Mr. King offered the following substitute for the Bill, S. B. 29, to-wit:

SUBSTITUTE FOR S. B. 29

A BILL TO BE ENTITLED AN ACT

To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee.

Be It Enacted by the Legislature of Alabama:

Section 1. There is established an office of the Legislature to be known as the Legislative Fiscal Office (hereinafter in this Act referred to as the "Office") under the supervision, direction and control of an officer designated as the director of the fiscal office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee.

Section 2. There is hereby created a continuing legislative committee to be known as the Joint Fiscal Committee whose duty it shall be to supervise the operation of the legislative fiscal office. The committee shall consist of the chairman of the House Ways and Means Committee, four members elected from the House, the chairman of the Senate Finance and Taxation Committee and four members elected from the Senate, whose terms shall be for the quadrennium for which they have been elected to the legislature and until their successors have been elected and have qualified. The committee shall elect its own chairman and shall meet at the call of the chairman or any two members thereof, provided that the committee shall meet at least once each four months. Members shall be entitled to transportation allowances and to their regular legislative pay and per diem expenses for each day in which they are actually engaged in committee work.

Section 3. The Director shall be appointed by the Joint Fiscal Committee from the list of persons eligible for the office certified to it by the State Personnel Department in the same manner that such department certifies eligible persons for appointments to positions in the classified service of the State.

The Director shall not be deemed a state employee in the classified service, and, except as to the manner of his appointment, shall not in any way be subject to the state merit system law.

The Director may be removed by a majority vote of the Joint Fiscal Committee or by a joint resolution of the House and Senate.

The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay established by the State Personnel Board for the State Budget Officer, and he may, at his selection, participate in any retirement system available to state employees.

Section 4. The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to preform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the State.

In carrying out the duties and functions of the Office, the Director may procure the temporary or intermittent services of experts or consultants or organizations thereof by contract as independent contractors.

Section 5. The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, institutions, and establishments of the Executive Branch of Government

and the regulatory agencies and commissions of the State. All such departments, agencies, establishments, institutions, regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions. The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each department, agency, establishment, institution or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

Section 6. In carrying out the duties and functions of the Office, and for the purposes of coordinating the operations of the Office with those of other legislative agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates and statistics developed by the Legislative Reference Service and the Department of Examiners of Public Accounts and (upon agreement with them) to utilize their services, facilities and personnel with or without reimbursement. The Office, however, shall be separate from and independent of the Legislative Reference Service and the Department of Examiners of Public Accounts.

Section 7. It shall be the duty and function of the Office to provide to the Committee on Ways and Means of the House and to the Finance and Taxation Committee of the Senate information which will assist such committees in the discharge of all matters within their jurisdictions, including: (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing budget authority or tax expenditures; (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions; and (3) such relating information as such committees may request.

Section 8. At the request of any other committee of the House of Representatives or the Senate or any joint committee of the Legislature, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of Section 7 of this Act and to the extent practicable, such additional information related to the foregoing as may be requested.

Section 9. At the request of any member of the House or Senate, the Office shall provide to such member any information compiled in carrying out clauses (1) and (2) of Section 7 of this Act and to the extent practicable, such additional information related to the foregoing as may be requested.

Section 10. The Director may equip the Office with up-to-date computer capability, obtain the services of experts and consultants in computer technology and develop techniques for the evaluation of budgetary matters.

Section 11. The Legislative Fiscal Office shall supercede the fiscal office for the Senate created by Senate Resolution of the Third Special Session of 1971, adopted February 2, 1972 (J. P. 671), and the position of the fiscal consultant or statistician provided for in Act No. 48, H. 413 of the 1973 Regular Session is hereby abolished; and the duties thereof are hereby transferred to the Legislative Fiscal Office.

Section 12. There is hereby appropriated from the General Fund in the State Treasury to the Legislative Fiscal Office the following amounts:

For the fiscal year ending
September 30, 1976 \$125,000.00

For the fiscal year ending
September 30, 1977 \$125,000.00

The appropriations herein made shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Legislative Fiscal Office.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Owen, said substitute was laid on the table.

And said Bill, S. B. 29, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—27

Nays:

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The Bill:

S. 52. To provide that persons employed in county health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 52, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 52

A BILL TO BE ENTITLED AN ACT

To provide that persons employed in county or district health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions as used in this act:

(A) Local Health Officer; The duly appointed Health Officer serving a County Health Department or a District Health Department.

(B) Local Health Department: County Health Department or District Health Department as set forth in Title 22, Code of Alabama.

Section 2. The local Health Officer or his designee shall appoint such as may be necessary to administer the Public Health services within the county or district. Upon request of such local health officer or his designee, the State Personnel Department shall establish a local register of eligibles who are residents of the county or district in which the vacancy exists, if no appointment is made from the local register or there is no local register, an appointment shall be made from the statewide register. Provided, however, that on the effective date of this Act any person employed in county or district health departments under provisions of the Merit System Council for County Departments of Health shall be covered under the provisions of the State Merit System Act with the same status.

Section 3. On the effective date of this Act, all county and district health department employees shall be covered with their current status, under the State Merit System, and shall be extended all benefits of such system.

Section 4. The provisions of this Act shall not apply to any county health department whose employees are covered by a county-wide Personnel or Merit System.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Section 7. This Act shall become effective sixty (60) days following its passage by the Legislature and signature of the Governor or as otherwise becoming law.

The Standing Committee on Health and Welfare then reported the following amendment to the substitute for the Bill, S. B. 52, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 52

Amend substitute for S. B. 52 as follows:

In section 2 at the end of the second sentence on line 16, eliminate the period at the end of the word "exists" and add the following words:

"or who are employed by the County Health Department or District Health Department in the County or District in which the vacancy exists."

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 52, was then adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flipppo, Foshee, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—27

Nays:

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And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—26

Nays:

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The Bill:

S. 64. To provide for a summary distribution for estates comprised of personal property only of \$3,000 or less, upon the transfer of an affidavit, without administration as is required by existing laws.

as amended on the Fifth Legislative Day, was taken up.

On motion of Mr. Pearson, the Senate reconsidered the vote by which the Bill, S. B. 64, as amended, was ordered to its third reading.

Mr. Pearson then offered the following substitute for the Bill, S. B. 64, as amended, to-wit:

SUBSTITUTE FOR S. 64

A BILL TO BE ENTITLED AN ACT

To provide for a summary distribution of estates of certain decedents when such estates are comprised of personal property only and the value thereof is \$3,000 or less; to provide for the transfer by affidavit, without administration of the properties of the estates of such decedents.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This act shall be known as the "Alabama Small Estates Act," cited hereinafter as the "act."

Section 2. Definitions and Use of Terms. As used in this act, unless otherwise apparent from the context:

(1) "Distributees" means the persons who are entitled to the personal property of a decedent under the terms of a testamentary disposition or under the Alabama descent and distribution statutes.

(2) "Devises" means the persons who are entitled to the personal property of a decedent under the terms of a testamentary disposition.

(3) "Heirs" means the persons who are entitled to the personal property of a decedent under the Alabama descent and distribution statutes.

(4) "Estate" means all the personal property of a decedent who owns no real property at the time of his death.

(5) "Personal representative" includes executor, administrator, administrator with the will annexed, and special administrator.

(6) "Person" includes natural persons and corporations.

Section 3. When Surviving Spouse or Distributees Entitled to Personal Property Without Administration; Transfer by Affidavit. The surviving spouse, if there be one, otherwise the distributees of an estate of personal property only may initiate a proceeding for summary distribution of the estate by filing a petition as hereinafter provided in the probate judge's office of the county in which the decedent was domiciled at death. The petition shall include a description of the estate of the decedent and the judge of probate or his duly authorized clerk shall take actual possession of any liquid or negotiable assets and constructive possession of all other personal property of the decedent. The surviving spouse or distributee shall have a defeasible right to the personal property of the decedent without awaiting the appointment of a personal representative or the probate of a will if all of the following conditions exist:

(1) The value of the entire estate does not exceed \$3,000;

(2) The decedent died a resident of this state;

(3) No petition for the appointment of a personal representative is pending or has been granted;

(4) At least 45 days have elapsed since the filing of a petition for summary distribution under this act and at least 21 days have elapsed since the first notice thereof was published as hereinafter provided;

(5) All funeral expenses of the decedent have been paid; or alternatively, that arrangements for the payment out of the estate of the decedent of all unpaid funeral expenses have been made by the surviving spouse or other distributee;

(6) If the decedent died intestate, the awards due under Alabama descent and distribution statutes to the surviving spouse and to the child or children have been determined by the probate judge; and a certified copy of such determination has been transmitted to the surviving spouse and the child or children;

(7) If the decedent died testate, a document purporting to be his will, which on its face, is properly executed, witnessed and attested in compliance with Alabama law, has been duly filed in the probate judge's office;

(8) Notice of the filing of a petition for a summary distribution under this act must be published once a week for three successive weeks in a newspaper of general circulation in the county in which the decedent was domiciled, or if there is no newspaper of general circulation in such county, then notice thereof must be posted at the county courthouse for three weeks;

(9) All claims against the decedent's estate have been paid or arrangements for the payment out of the estate of the decedent have been made by the surviving spouse or other distributee according to the following priority:

(a) First, to each person entitled to payment for any funeral expenses owed by the decedent or his estate, then

(b) To the judge of probate for fees and charges incurred in the proceedings for summary distribution, then

(c) To any person entitled to payment for expenses incurred in the decedent's last illness, then

(d) To the State of Alabama, the county and any municipality therein for taxes assessed on the estate of the decedent previous to his death, then

(e) To each secured creditor under Alabama's Uniform Commercial Code, Article 9, then

(f) To each unsecured lien holder, then

(g) To each remaining general unsecured creditor of the decedent, then

(h) To each surviving spouse, child or other distributee, who is entitled to take under Alabama's descent and distribution laws, or, alternatively, to each devisee entitled to take under any testamentary disposition of the decedent.

Section 4. When all of the above applicable conditions concur the judge of probate shall enter an order directing a summary distribution of the estate; and he shall thereupon deliver such liquid or negotiable assets of the estate as have come into his possession and shall release his constructive possession of the other personal property of the decedent to the surviving spouse or distributee entitled to the defeasible interest in the property.

Section 5. Upon delivering a copy of the judge's order for summary distribution or an affidavit executed by any person having knowledge of the fact and alleging the concurrence of the above listed conditions showing the defeasible right therein, together with a copy of the decedent's will if the claim is under such will, such spouse or distributee shall be entitled to have the decedent's property or the evidence of the decedent's ownership in such property transferred to him by any person owing any money to the decedent's estate, having custody of any personal property of the decedent, or acting as a registrar or transfer agent of any evidence of interest, indebtedness, property or right of the deceased therein.

Section 6. The defeasible right of the surviving spouse or distributees provided for by this act shall be subject only to any pre-existing rights to administer the estate or probate the will, or to the superior rights of any other person to such personal property.

Section 7. Effect of Transfer by Affidavit. The person making payment, delivery, transfer or issuance of personal property or evidence thereof pursuant to the affidavit prescribed in Section 5 above shall be discharged and released to the same extent as if made to a personal representative of the decedent, and he shall not be required to see to the application thereof or to inquire into the truth of any statement in the affidavit if made by any other person. If any person to whom such affidavit is delivered refuses to pay, deliver, transfer, or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled in an action brought for such purpose by or on behalf of the person entitled thereto under Sections 1 and 4, above, upon proof of the defeasible right declared by such section. Any person to whom payment, delivery, transfer or issuance is made shall be answerable and accountable therefor to any personal representative of the estate or to the surviving spouse or minor children of the decedent who shall proceed against such person, or to any other person having a superior right to the decedent's estate.

Section 8. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—27

Nays:

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And said Bill, as thus amended by the substitute, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

Nays:

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BILL RE-REFERRED

Mr. McDonald (A) moved that the Bill, S. B. 81, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 81, re-referred to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 1. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

was taken up.

The Standing Committee on State Government reported the following substitute for the Bill, S. B. 1, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 1

A BILL
TO BE ENTITLED
AN ACT

To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699) is hereby amended and re-enacted to read as follows:

“AN ACT

“To establish a state ethics commission and to provide a state ethics law, which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units.

“Be It Enacted by the Legislature of Alabama:

“SECTION 1. “(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, herefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

“(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principal underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

“(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to

persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this Act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

“(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service.

“SECTION 2. Whenever used in this Act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

“(a) “Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

“(b) “Business with which he is associated” means any business of which the person or a member of his family, is an officer, owner, partner, employee or holder of more than 10% of the fair market value of such business.

“(c) “Candidate for public office” means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

“(d) “Commission” means the State Ethics Commission.

“(e) “Legislative employee” means any parson employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of \$12,000 or more per year.

“(f) “Lobbying” means the practice of promoting or opposing the introduction or enactment of legislation the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of

“(g) “Lobbyist” means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

“(h) “Reporting Year” means the reporting official’s or employee’s fiscal tax year as it applies to his United States Income Tax Return(s).

“(i) “Public Employee” means any employee of the State, County or Municipality who has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall not include those persons who are primarily engaged in teaching duties in all schools, colleges and universities of the State.

“(j) “Public Employee’s Family” means the employee’s spouse and dependents.

“(k) “Public Official” means any elected official at the State, County or Municipal level of government and any person appointed under State, County or Municipal law to an office where, in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds; provided that this definition shall not include appointed members of county and municipal boards, authorities, agencies or commissions. Public official shall also include the President, Vice-President, Chief Purchasing Official and Chief Financial official of all schools, colleges and universities of the State, but shall not include the boards of trustees of institutions of higher learning of the State of Alabama.

“(l) “Public Official’s Family” means the official’s spouse and dependents.

“SECTION 3. “(a) No public official or employee shall use an official position or office to obtain direct personal financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

“(b) Unless prohibited by the Alabama Constitution, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative duties.

“SECTION 4. No person shall offer to or give to a state official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

“SECTION 5. No public official or employee or his family shall solicit or receive any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or any public regulatory board, commission or other body. No public official or employee or business with which he is associated shall receive any fee, salary, wages or other compensation for services provided to the State or any of its agencies or to any County, or City or instrumentalities thereof unless a disclosure statement provided for this section shall be filed with the Commission by the person rendering the services. The statement shall include the following information: (1) The name of the employer (2) the purpose of the employment (3) the amount of the compensation received for the employment and (4) the date of employment.

"SECTION 6. No public official or employee shall use or disclose confidential information gained in the course of or by reason of his position or employment in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

"SECTION 7. Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is associated.

"SECTION 8. If a public official or employee, or member of his family, or a business with which any of them is associated, shall for a fee represent a client or constituent before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of such representation must be given within five days after the first day of such appearance to the State Ethics Commission in the manner prescribed by the commission.

"SECTION 9. "(a) Unless otherwise permitted to do so under law no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of public funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. A copy of each contract regardless of the amount, entered into by a public official, employee, family member, and any business with which any of them is associated, shall be filed with the State Ethics Commission.

"(b) Any public official or employee, or a member of his family, and any business with which any of them is associated who is specifically exempted from the provisions of the Alabama Bid Law contained in Title 55, Section 495, Code of Alabama, must also file a copy of any contract entered into with the state, county or municipality or any of their agencies with the State Ethics Commission.

"SECTION 10. No person shall offer or give to a member or employee of a governmental agency, board or commission that regulates a business with which such person is associated, and no member or employee of a governmental regulatory agency, board or commission shall solicit or accept from any such person anything of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board or commission. However, expenses associated with social entertainment afforded members and employees when such expenses are in amounts of less than \$100 per year, per member or employee, shall not be deemed a thing of value within the meaning of this section.

"SECTION 11. No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the State Ethics Commission in the manner prescribed by the commission; furthermore, no former public official or employee shall enter into a contract with any governmental

agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.

"SECTION 12. "(a) No person elected or employed to serve as a public official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this Act at the office of the State Ethics Commission. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing:

"1. Name, residential address, and business address of living spouse, minor and dependent children and the principal occupation of each.

"2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"3. A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than \$1,000; at least \$1,000 and less than \$10,000; \$10,000 or more. Further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one-tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000 for the reporting period;

"4. If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical, or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipe line companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than \$1,000; more than \$1,000 but less than \$10,000; \$10,000 or above;

"5. If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than \$1,250; \$1,250 or more;

"6. If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof

by the following categories of fair market value: under \$50,000; at least \$50,000 but less than \$250,000; \$250,000 or more; and the following categories of annual gross rent and lease income on real estate: less than \$10,000; at least \$10,000; at least \$10,000 and less than \$50,000; \$50,000 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"7. A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms, and stock brokers (The commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than \$25,000; \$25,000 but less than \$50,000; \$50,000 but less than \$100,000; \$100,000 or more. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement. Filing required by subsections of this section shall reflect information and facts in existence at the end of the reporting year. In the event that said information required herein is not filed as required the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

"(b) After the original filing of the above prescribed statement(s) each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subsections 5, 6 and 7 of this section shall reflect information and facts in existence at the end of the reporting year.

SECTION 13. Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this Act at the office of the State Ethics Commission.

"(a) Each official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official and each official who nominates a person to serve as a state official shall, within five days of such receipt or nomination, notify the State Ethics Commission of the name of each new candidate for state office as defined in this Act, and the date on which such person became a candidate.

"(b) The State Ethics Commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.

"(c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this Act within ten days after he becomes a candidate, his name shall not appear on the ballot. However, the State Ethics Commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause.

"(d) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance

with the provisions of this Act within ten days after such nomination, the nomination shall not be approved or ratified until at least ten days after he has filed such statement of economic interests.

SECTION 14. "(a) When any citizen of the State or business with which he is associated represents for a fee any person before a state regulatory agency or commission or department of the executive branch, he shall report to the State Ethics Commission the name of any adult child, parent, spouse, brother or sister who is an official or an employee of that state regulatory agency or commission or department of the executive branch.

"(b) When any citizen of the State or business with which he is associated enters into a contract for the sale of goods or services to the State of Alabama or any of its agencies in amounts exceeding \$1,000, he shall report to the State Ethics Commission the names of any adult child, parent, spouse, brother or sister who is an official or employee of the agency or department with whom the contract is made.

"(c) Each regulatory agency, commission or department of the executive branch or any agency of the State of Alabama shall be responsible for notifying citizens affected by this act of the requirements of this provision.

SECTION 15. "(a) Every governmental agency head shall file reports with the commission on any matters that come to his attention which may constitute a violation of this Act.

"(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

"(c) The commission shall prepare and publish, prior to the implementation of this Act, procedures for review or appeal of any action taken against or in regard to any person covered in this Act.

SECTION 16. "(a) There is hereby created a State Ethics Commission which shall be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character. No member of the commission shall be eligible for appointment to succeed himself, except that members appointed to the first commission may each be appointed one time to succeed himself. One member of such commission shall be appointed by each of the following officers: the Governor, the Lieutenant-Governor, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Attorney General. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 14, 1973, the member being appointed by the Governor having the one-year term, the member appointed by the Lieutenant-Governor having the two-year term, the member appointed by the Speaker of the House having the three-year term, the member appointed by the Chief Justice having the four-year term, the member appointed by the Attorney General having the five-year term. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If any of the above listed appointing authorities should fail to make his appointment to the first commission within forty-five days after September 14, 1973, or to fill a vacancy forty-five days after such vacancy occurs, then the Governor may make such

appointment; but the term of such appointee shall be for the period prescribed for a member appointed by the officer authorized to make such appointment but who failed to do so. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the same appointing authority as the member whose unexpired term such successor is to fill. The commission shall elect one member to serve as chairman of the commission and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office. As soon as all the members of the board have been appointed the Governor shall call and provide for the holding of an organizational meeting of the commission. Such meeting shall be set for not less than forty-five days nor more than sixty days after September 14, 1973.

“(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

“(c) The commission shall at the close of each fiscal year report to the legislature and the Governor concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the monies it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

“(d) Members of the commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of \$50 per day, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the commission when approved by the chairman thereof.

“(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the provisions of this Act and also to the provisions of law prohibiting political activities by state employees.

“(f) The commission shall appoint an Executive Director and such other staff as is needed. All such appointees shall serve at the pleasure of the commission. All such employees, except for the Executive Director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the Executive Director shall be fixed by the Commission, but shall not exceed \$25,000 per year. The Executive Director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the commission shall not delegate the making of regulations to the Executive Director. The commission may require the Executive Director to draft regulations but no regulation shall be implemented by the Executive Director until adopted by the commission members.

“(g) The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement, provided such waiver is done in writing stating the reason why and made a part of the public record.

SECTION 17. It shall be the duty of the commission:

“(a) To prescribe forms for statements required to be filed by this Act, and to furnish such forms to persons required to file such statements;

“(b) To prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this Act;

“(c) To accept and file any information voluntarily supplied that exceeds the requirements of this Act;

“(d) To develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

“(e) To make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to regulations requiring identification by name, occupation, address and telephone number of each such person examining information on file with the commission. However, no copies of reports and statements will be removed from the office of the State Ethics commission.

“(f) To preserve such reports and statements for a period of six years from date of receipt;

“(g) To make investigations with respect to statements filed under the provisions of this Act, and with respect to alleged failures to file any statement required under the provisions of this Act and, upon complaint by any individual with respect to alleged violation of any part of this Act; and whenever in its opinion a thorough audit of any person or any business should be made in order to determine whether this Act has been violated, the commission shall direct the Examiner of Public Accounts to have such audit made and a report thereof filed with the commission. The Examiner of Public Accounts shall upon receipt of such directive immediately comply therewith;

“(h) To report suspected violations of law to the appropriate law enforcement authorities;

“(i) To issue, upon request and publish advisory opinions on the requirements of this Act, based on a real or hypothetical set of circumstances. The written opinion of the State Ethics Commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county, or municipal sub-division of the state because of any official action or actions performed as directed or advised in such opinion.

“(ii) To initiate and continue programs for the purpose of educating candidates, officials, employees and citizens of Alabama on matters of ethics in government service.

“(j) To prescribe, publish and enforce rules and regulations to carry out the provisions of this Act. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least thirty days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations.

“(k) After the commission has been organized pursuant to this Act and has prescribed the rules and regulations and adopted and promulgated

such rules and regulations, it shall give notice for sixty days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this Act shall be thereby implemented.

SECTION 18. "(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five (5) days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, the following information:

"(1) the registrant's full name and address;

"(2) the registrant's normal business and business address;

"(3) the full name and address of the registrant's principal(s);

"(4) a listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) if a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: 1-5; 6-10; 11-25; over 25;

"(6) a statement signed by the principal(s) that he has or they have read the registration, knows its contents, and has authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

SECTION 19. Every person registered under Section 19 of this Act and every principal employing such lobbyist shall file with the commission a sworn statement concerning the activities set out in said section. The report must be filed between the 1st and 15th day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000; \$1,000-\$3,000; more than \$3,000; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;

"(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;

“(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.

“SECTION 20. “(a) A person who ceases to engage in activities requiring him to register under Section 18 of this Act shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is effective immediately.

“(b) A person who files a notice of termination under this section must file the reports required under Sections 18 and 19 of this Act for any reporting period during which he was registered under this Act.

“SECTION 21. All reports filed under Sections 18, 19 and 20 of this Act are public records and shall be made available for public inspection during regular business hours.

“SECTION 22. No person, for the purpose of influencing legislation, may

“(1) knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

“(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

“SECTION 23. The provisions of Section 18, 19, 20, 21 and 22 shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

“SECTION 24. Nothing in the provisions of this Act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature.

“SECTION 25. “(a) Any person who violates any provision of this Act and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

“(b) All prosecutions for violations of this Act shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

“(c) The penalties prescribed in this Act do not limit the power of either house of the legislature to discipline its own members or to impeach public officials, and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

“(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this Act; and the venue of any suit or action under this Act shall be in the county of the residence of the defendant.

“(e) Nothing in this Act is intended to, nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

"SECTION 26. Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee, or any other person covered by this Act, knowing such complaint to be false or inaccurate shall be guilty of the crime of malicious prosecution.

"Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court decree to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within 6 months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, plus an equal amount to the general fund of the state.

"If any person, accused of violating this Article is acquitted upon trial, then such person may, in the discretion of the court or jury, recover in an action at law from the person who brought the charge against him a sum equal to three times the damages thereby caused.

"SECTION 27. No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity.

"SECTION 28. The Legislature shall appropriate such sums as it deems necessary to implement the provisions of this Act.

"SECTION 29. Any citizen wishing to file a complaint against any public official or employee covered by this Act shall initially file said complaint with the Commission. If the Commission does not take proper action within forty-five days, then the said citizen may file the said complaint with the Attorney General or other officers authorized to enforce this Act.

"SECTION 30. The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

"SECTION 31. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws dealing with the subject matter hereof.

"SECTION 32. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on State Government then reported the following amendment to the substitute for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend substitute for Senate Bill 1 by striking through Section 2 (i) in its entirety and inserting in lieu thereof the following:

"SECTION 2. "(i) 'Public Employee' means any employee of state, county or municipal governments who has administrative and discretionary authority for the receipt or expenditures of public funds or who earns in excess of \$15,000 annually but shall not include those persons

who are primarily engaged in teaching duties in all schools, colleges, and universities in the State."

Which was adopted.

The Standing Committee on State Government then offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend Section 2 (k), as amended, by striking in its entirety and inserting in lieu thereof the following:

" 'Public Official' means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the State; members of city and county industrial boards, planning and zoning boards, schools boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereto. This definition excludes members of all other boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the State of Alabama."

On motion of Mr. Mitchell, said amendment was laid on the table.

Yeas 18; Nays 12.

Yeas:

Messrs. Adams, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Torbert, Vacca.

—18

Nays:

Messrs. Clemon, Edwards, Ellis, Jones, King, McMillan, Pearson, Perloff, Shelby, Stewart, Waldrop, Weaver.

—12

The Standing Committee on State Government then reported the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend substitute for Senate Bill 1 by striking through Section 9 (a) and (b) in its entirety and inserting in lieu thereof the following:

"SECTION 9. "(a) Unless otherwise permitted to do so under law, no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. A copy of each contract regardless of the amount, entered into by a public official, employee, family member, and any business with which any of them is associated, shall be filed with the State Ethics Commission.

"(b) Any public official or employee, or a member of his family, and any business with which any of them is associated who is specifically exempted from the provisions of the Alabama Bid Law contained in Title 55, Section 495, Code of Alabama, must also file a copy of any contract entered into with the state, county or municipality or any of their agencies with the State Ethics Commission."

Which was adopted.

The Standing Committee on State Government then reported the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend substitute for Senate Bill 1 by striking through Section 12 (a) 1 in its entirety and inserting in lieu thereof the following:

"SECTION 12. "(a) 1. Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers, and sisters, and to the best of his knowledge the principal occupation of each of these persons."

Which was adopted.

The Standing Committee on State Government then reported the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend substitute for Senate Bill 1 by adding the following sentence to sub-paragraph (j) of Section 17.

"SECTION 17. "(j) "The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this Act.' "

Which was adopted.

The Standing Committee on State Government then reported the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 1

Amend substitute for Senate Bill 1 by adding sub-paragraph (1) to Section 17 as follows:

"SECTION 17. "(1) 'No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000, or both.' "

Which was adopted.

The Standing Committee on State Government then reported the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 1

Amend substitute for Senate Bill 1 by adding sub-paragraph (m) to Section 17 as follows:

"SECTION 17. "(m) 'In all matters that come before the commission concerning a complaint on an individual the laws of due process shall be strictly adhered to.' "

Which was adopted.

Mr. St. John offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Page 5, Line 11, insert the word "before" in the blank space at beginning of line.

Also:

Page 5, Line 13, insert the word "legislation" in the blank space after the word "of"

Also:

Page 7, Line 1, change the last word in the line from "state" to read "public."

Which was adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend Section 2(k) by striking in its entirety and inserting in lieu thereof the following:

" 'Public Official' means any elected official at the state, county, or municipal level of government and any person appointed under state,

county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, including boards of trustees of institutions of higher learnings, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges, and universities of the State; members of city and county industrial boards, planning and zoning boards, schools boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereto. This definition excludes members of all other boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members.

Mr. St. John moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 15.

Abstaining, 1.

Yeas:

Messrs. Adams, Fine, Flippo, Gilmore, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John.

— 14

Nays:

Messrs. Clemon, Edwards, Ellis, Foshee, Jones, King, Little, McDonald (A), McMillan, Pearson, Powell, Shelby, Stewart, Waldrop, Weaver.

— 15

Abstaining: Mr. Torbert.

— 1

And said amendment was then lost.

Yeas 14; Nays 16.

Yeas:

Messrs. Clemon, Edwards, Ellis, King, Little, McDonald (A), McDonald (S), McMillan, Pearson, Powell, Shelby, Stewart, Waldrop, Weaver.

— 14

Nays:

Messrs. Adams, Fine, Flippo, Foshee, Gilmore, Jones, Littleton, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Vacca.

— 16

Mr. Waldrop then offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend Substitute for S. B. 1 as follows:

Amend Substitute for S. B. 1 in Section 5 by deleting the second and third sentences which begin "No public official" and ending with "(4) the date of employment." and inserting in lieu thereof the following:

"Further, no state official or employee or business with which he is associated shall receive any fee for professional services provided to the state or any of its agencies or to any county or city or instrumentality thereof in the political subdivision or district from which he is elected or in which he resides."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs. Adams, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca.

—17

Nays:

Messrs. Ellis, King, McDonald (A), McMillan, Mims, Powell, Roberts, Shelby, Stewart, Waldrop, Weaver.

—11

Mr. Perloff offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend Section 2(k) by striking it in its entirety and inserting in lieu thereof the following:

" 'Public Official' means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the State; members of city and county industrial boards, planning and zoning boards, schools boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereto, in all cities whose population is more than 5,000 according to the last decennial census. This definition excludes members of all other boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the State of Alabama."

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 16.

Yeas:

Messrs. Adams, Fine, Flippo, Foshee, Gilmore, Jones, Littleton, McDonald (S), Noonan, Owen, Perry, Roberts, St. John, Torbert.

— 14

Nays:

Messrs. Clemon, Edwards, Ellis, King, Little, McDonald (A), McMillan, Mims, Mitchell, Perloff, Powell, Shelby, Stewart, Vacca, Waldrop, Weaver.

— 16

And said amendment was then adopted.

Mr. St. John then offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Add the following to subsection (b) of Section 14:

However, this section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

Which was adopted.

Mr. Torbert offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR SENATE BILL 1

Amend Sub. for Senate Bill 1 by adding the following at the end of Section 8, to-wit:

“Provided, that no member of the Legislature shall for a fee, reward or other compensation represent any person, firm or corporation before the Public Service Commission or the State Board of Adjustment.”

Which was adopted.

Mr. Shelby offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend State Government Substitute Senate Bill 1 as substituted and amended by striking Sections 18, 19, 20, 21, 22, 23, and 24 in their entirety and insert in lieu thereof the following:

“SECTION 25

SUB—Section 1. POLICY

The legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of

the legislature, and to officials of the Executive branch, their opinions on legislation, on pending executive actions, and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

Sub-Section 2. DEFINITIONS

As used in this Article, unless the context requires otherwise:

(1) "Person" means an individual, corporation, association, firm, partnership, committee, club, or other organization, or a group of persons who are voluntarily acting in concert.

(2) "Legislation" means a bill, resolution, amendment, nomination, or other matter pending in either house of the legislature; any other matter which may be the subject of action by either house, including the introduction, consideration, passage, defeat, approval, or veto of the matter; or any matter pending in or which may be to the editors, editorial or other comment, or paid advertisements which directly or indirectly oppose or promote legislation, if such persons engage in no further or other activities and represent no other persons in connection with influencing legislation;

(7) A "principal" means any person who engages a lobbyist, and shall include any board, department, commission or other agency of the state, or any county, city, or any other political subdivision, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county, municipal corporation, or other political subdivision.

(8) "Compensation" means money, service, facility, or thing of value or financial benefit which is received or to be received in return for or in connection with services rendered or to be rendered.

(9) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(10) "Corrupt practices" means any violation of the provisions of this Act. In addition, the following shall be deemed to be corrupt practices:

(a) Instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto;

(b) Attempting to influence the vote of the legislators on any measure pending or to be proposed by the promise of financial support or the financing of opposition to his candidacy at any future election; and

(c) Engaging in practices which reflect discredit on the practice of lobbying or on the Legislature; except that the making of a fair comment about the Legislature or a member thereof shall not be a corrupt practice.

(11) "Secretary" means the Secretary of State of the State of Alabama.

Sub-Section 3. REGISTRATION

(a) Every person employed or retained as a lobbyist must register by filing an application form with the secretary within five (5) days after the first undertaking requiring registration:

(b) The application shall be written, verified, and shall contain the following information:

- (1) the applicant's full name and address;
- (2) the applicant's normal business and business address;
- (3) the full name and address of the applicant's principal;

(4) a specific description of the matters on which the applicant expects to communicate directly with a member of the legislative or executive branch to influence legislation, including, if known, the bill numbers and whether the applicant supports or opposes each bill listed;

(5) if an applicant's activities are done on behalf of the members of a group other than a corporation, the application form shall include a statement of the number of members of the group and a full description of the methods by which the registrant develops and makes decisions about positions on policy; and

(6) a statement signed by the principal that he has read the application, knows its contents, and has authorized the applicant to be a lobbyist in his behalf as specified therein, and that no compensation will be paid to the applicant contingent upon passage or defeat of such measures.

(c) If the secretary is satisfied that the application has been properly prepared the registration shall be defined to be complete.

(d) A registrant shall file a supplemental registration indicating any change in the information contained in the registration within 10 days after the date of the change.

(e) The registrations of all lobbyists shall terminate with the adjournment of the session of the Legislature in which the registration was completed.

Sub-Section 4. ACTIVITIES REPORT

(a) Every person registered under Section 3 of this Article and every principal employing such lobbyist shall file with the secretary a sworn statement concerning the activities set out in Subsection (b) of this section. The report must be filed:

(1) between the 1st and 15th day of each month subsequent to a month in which the legislature is in session covering the activities during the previous month; and

(2) between the 1st and 15th day of each month immediately subsequent to the last month in a calendar quarter covering the activities during the previous quarter.

(b) The report shall be written, verified, and contain the following information:

(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities, but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf; and

(3) A statement of all money expended or promised in connection with carrying out lobbying activities, including, but not limited to, the payment of any bills for food, refreshments, entertainment, transportation or other services where members of the Legislature were included in the group for which or by which such bills were incurred. Such report shall include a breakdown of expenditures into the following categories:

- (A) postage and telegraph;
- (B) publication and advertising;
- (C) travel and fees;
- (D) entertainment;
- (E) gifts, loans, and political contributions; and
- (F) other expenditures; and

(4) a list of legislation supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf, together with a statement of the registrant's position for or against such legislation.

(c) The Secretary shall refer all such sworn statements to the Legislature which may require the lobbyist to furnish additional details with respect to the matters which are or should be included in such sworn statements. The Legislature itself may at any time require the furnishing of such additional details.

Sub-Section 5. Termination Notice

(a) A person who ceases to engage in activities requiring him to register under Section 3 of this Article shall file a written, verified statement with the secretary acknowledging the termination of activities. The notice is effective immediately.

(b) A person who files a notice of termination under this section must file the reports required under Section 4 of this Article for any reporting period during which he was registered under this Article.

Sub-Section 6. MAINTENANCE OF RECORDS

(a) All reports filed under this Article are public records and shall be made available for public inspection during regular business hours.

(b) The secretary shall design and provide appropriate forms, covering only the items required to be disclosed under this Act, to be used for the registration and reporting of information required by this Article, maintain registrations and reports in a separate, alphabetical file, purge

the files of registrations and reports after five years from the date of filing, and maintain a deputy available to receive registrations and reports and make such registrations and reports available to the public for inspection.

Sub-Section 7. False Communications

No person, for the purpose of influencing legislation, may;

(1) knowingly or wilfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

Sub-Section 8. Certain Professional Services Exempted

The provisions of this Article shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

Sub-Section 9. Constitutional Right to Communicate

Nothing in the provisions of this Act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature."

and re-numbering the remaining Sections accordingly.

On motion of Mr. St. John, said amendment was laid on the table.

Mr. McDonald (S) offered the following amendment to the substitute, as amended, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 1

Amend Substitute for S. B. 1 as follows:

Amend Substitute for S. B. 1 by adding at the end of Section 2(k) the following:

"Public Official shall not mean Alabama members serving on multistate water way development compacts."

On motion of Mr. Fine, said amendment was laid on the table.

And said substitute, as thus amended, for the Bill, S. B. 1, was then adopted by the Senate.

Yeas 22; Nays 8.

Yeas:

Messrs. Adams, Clemon, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Torbert, Vacca, Weaver.

Nays:

Messrs. Edwards, Ellis, Foshee, Jones, King, Shelby, Stewart, Waldrop.

—8

Mr. Foshee offered the following amendment to the Bill, S. B. 1, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 1, AS AMENDED BY SUBSTITUTE

Amend Section 2(k) by striking the figure “5,000” and inserting in lieu thereof the figure “10,000”.

Mr. Shelby moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 18.

Yeas:

Messrs. Clemon, Ellis, Jones, King, McMillan, Pearson, Perloff, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—13

Nays:

Messrs. Adams, Edwards, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John.

—18

And said amendment was then adopted by the Senate.

Yeas 19; Nays 12.

Yeas:

Messrs. Adams, Edwards, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Vacca.

—19

Nays:

Messrs. Clemon, Ellis, Jones, King, McMillan, Pearson, Perloff, Shelby, Stewart, Torbert, Waldrop, Weaver.

—12

And said Bill, S. B. 1, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 9.

Yeas:

Messrs. Adams, Clemon, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Torbert, Vacca.

—22

Nays:

Messrs. Edwards, Ellis, Foshee, King, Powell, Shelby, Stewart, Waldrop, Weaver.

—9

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 46. AUTHORIZING PAYMENT OF EXPENSES FOR ALABAMA'S REPRESENTATIVE AT THE SOUTHERN INTERSTATE NUCLEAR BOARD.

WHEREAS the Southern Interstate Nuclear Board will hold its Fourteenth Annual Meeting between April 20-23 in Kansas City, Missouri where a number of outstanding speakers will outline the many phases of the problems and goals to be achieved in the uses of nuclear energy and will lend their expertise to a discussion of the states' role in nuclear energy; and

WHEREAS Governor Wallace has appointed Representative Pete Turnham to represent this state at the meeting; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Turnham's expenses in attending this meeting be paid out of any funds appropriated for the use of the legislature, with such expenses not to exceed \$300.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 46, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lee:

H. J. R. 60. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

In order to rededicate Alabamians to the principles of the democratic form of government to emphasize that ours is a government of law and not of men; and to further the philosophy that "the welfare of the people shall be the supreme law," therefore, be it

RESOLVED, That the Governor of Alabama is hereby requested to designate and dedicate May 1 of each year as LAW DAY USA; and be it further

RESOLVED, That it is not the purpose of this resolution to declare another legal holiday, but a day for rededication by the citizens of Alabama to the principles of democracy, a respect for law that is so vital to the democratic way of life, and to the support of our state and federal courts which uphold and safeguard individual rights and liberties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 60, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 33. Commending Earl Barnett upon his election as Vice-President—President-Elect of the Alabama Education Association.

Also:

H. J. R. 35. Congratulating the Montevallo Bulldogs, the Alabama 2-A Basketball Champions.

Also:

H. J. R. 36. Commending the Rev. Dr. Nelson H. Smith for twenty-one years of devoted service to the New Pilgrim Baptist Church and the Birmingham Community; and for his outstanding representation of the State of Alabama as President of the Progressive National Baptist Convention.

Also:

H. J. R. 37. Commending Mrs. Louise Day for her service and wishing her a long and happy retirement.

Also:

H. J. R. 38. Commending the Guntersville High School Basketball Team for winning the State Class AAA Basketball Championship.

Also:

H. J. R. 39. Congratulating the Collinsville Panthers, the 1975 Class A State Basketball Champions.

Also:

H. J. R. 28. Commending Mrs. Willielary Stewart on being named 1974 Alabama Mother of the Year.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 11. To repeal Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

S. 13. Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract, retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Weaver.

—25

Nays:

—0

The Bill:

S. 79. To provide that the county commission in all counties having populations of not less than 36,500 nor more than 39,200 according to the

most recent federal decennial census is authorized to provide an additional expense allowance to the judge of the inferior court and the circuit clerk.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—25

Nays:

—0

The Bill:

S. 40. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 45. COMMENDING GOVERNOR WALLACE UPON BEING CURRENT TOP FAVORITE IN THE 1976 DEMOCRATIC PRESIDENTIAL RACE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 45, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 22. CREATING AN INTERIM STUDY COMMITTEE ON THE PAY SCALE AND SALARY STRUCTURE OF STATE OFFICIALS, EMPLOYEES, CABINET MEMBERS AND LEGISLATORS.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 1:34 P.M., on motion of Mr. Fine, the Senate took a recess until 3:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Johnstone, Pegues, Kinsey, Owens, Smith (C), Rich, Carter, Coburn, Drake, Sandusky, Teague, McNees, Johnson, Callahan, Sasser, Biddle, Malone, Kennedy, Hopping, Hall, Robertson, Merrill, Jackson (R) and Sonnier:

H. 38. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Also:

By Messrs. Campbell, Edwards and Cates:

H. 80. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

Also:

By Messrs. Crowe and Naramore:

H. 28. To provide for the maintenance of rights-of-way in all counties having a population of not less than 55,500 nor more than 56,500,

or not less than 12,000 nor more than 12,800, or not less than 12,700 nor more than 13,100, or not less than 13,188 nor more than 13,250, or not less than 13,200 nor more than 13,800, or not less than 14,000 nor more than 15,000, or not less than 16,600 nor more than 16,950, or not less than 21,000 nor more than 22,000, or not less than 22,000 nor more than 22,500, or not less than 23,900 nor more than 24,450, or not less than 27,900 nor more than 33,500, or not less than 45,500 nor more than 52,000, or not less than 56,500 nor more than 59,000, or not less than 175,000 nor more than 300,000, or not less than 16,600 nor more than 16,900, or not less than 38,100 nor more than 40,500, or not less than 22,575 nor more than 23,800 inhabitants according to the most recent or any subsequent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 38. To the Committee on Commerce, Transportation, and Utilities.

H. B. 80. To the Committee on Local Government.

H. B. 28. To the Committee on Local Legislation No. 1.

ADJOURNMENT

At 3:50 P.M., on motion of Mr. Fine, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 8, 1975, at 10 o'clock A.M.

SEVENTH LEGISLATIVE DAY

TUESDAY, APRIL 8, 1975

The Senate met pursuant to adjournment, President Pro Tempore Fine presiding.

PRAYER

The Session was opened with prayer by the Reverend Karl K. Stegall, Minister, Whitfield Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

JOURNAL

On motion of Mr. Bank, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Bank, leaves of absence were granted Messrs. Adams and Flippo for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 1. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

E. C. FOSHEE,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 103. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced within said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; and to repeal conflicting laws.

Committee on Judiciary.

By Messrs. Ellis, Vacca and Wilson:

S. 104. To amend Title 8, Section 60, Code of Alabama 1940, as amended, so as to include the rainbow trout as a designated game fish.

Committee on Conservation.

By Mr. Torbert:

S. 105. To amend Title 3, Section 11, Code of Alabama, 1940, as amended, pertaining to cruelty to animals.

Committee on Judiciary.

By Messrs. Torbert, Jones and Givhan:

S. 106. To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical Commission of the State of Alabama to the Alabama Historical Commission.

Committee on State Government.

By Messrs. Perloff, Roberts and Noonan:

S. 107. To amend the title and Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon, etc., so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 91. To provide an additional expense allowance for the circuit court reporter of the Second Judicial Circuit payable by the counties composing said circuit.

By Mr. Perry:

S. 89. To create the office of supernumerary sheriff in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

By Mr. Little:

S. 101. Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

By Mr. Fine:

S. 100. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

By Mr. Fine:

S. 99. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

By Mr. Fine:

S. 98. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Owen, Foshee and Fine:

S. 54. To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided

for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

RESOLUTIONS

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. OPPOSING POLICY OF THE SOCIAL SECURITY ADMINISTRATION WITH RESPECT TO MONTHLY DEPOSITS AND ANNUAL REPORTING OF SOCIAL SECURITY CONTRIBUTIONS AND PETITIONING THE CONGRESS TO ENACT LEGISLATION TO CONTINUE THE LONG ESTABLISHED POLICY OF QUARTERLY REPORTING AND REMITTANCES OF SUCH CONTRIBUTIONS.

WHEREAS, The State of Alabama entered into an agreement with the Social Security Administration of the Government of the United States on July 1, 1951, to cover employees of public agencies within this State under Old Age Survivors Disability Insurance; and

WHEREAS, Upon entering into this agreement, under Section 218 of the Social Security Act, pursuant to Act 48 of the Fifth Special Session of the Alabama Legislature a State Agency was designated to collect social security contributions from employees of public agencies and remit these contributions to the Social Security Administration; and

WHEREAS, It was by common understanding between the State of Alabama and the Social Security Administration that all contributions would be collected and remitted by the State Agency on a quarterly basis; and

WHEREAS, The Social Security Administration has indicated that it wishes to unilaterally establish a system of monthly deposits and annual reporting of all states and their political subdivisions under Section 218 of the Social Security Act; and

WHEREAS, A majority of the reporting entities in the State of Alabama have limited financial resources and thus would find it difficult to make monthly deposits and annual reports; and

WHEREAS, Ninety percent of the reporting officials do not have sufficient automatic data processing capability to handle a speed-up of collections; and

WHEREAS, It is anticipated that many public entities may decide to terminate social security coverage for their employees and seek other retirements systems; therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama desires to continue the established procedure of quarterly deposits and quarterly reports and therefore opposes any change as it relates to this procedure; and

BE IT FURTHER RESOLVED, That an enrolled copy of this Resolution be forwarded to each member of the Alabama Congressional Delegation, Honorable Russell B. Long, Chairman, Senate Finance

Committee and Honorable Al Ullman, Chairman, Ways and Means Committee.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Foshee offered the following Senate Resolution, to-wit:

S. R. 36. COMMENDING SENATE PAGES

WHEREAS, The members of the Senate enjoy the courteous and helpful services of the young ladies and gentlemen who serve as pages; and

WHEREAS, These fine young people from all over the State often make the trip to Montgomery at great personal sacrifice, to avail themselves of the opportunity to assist the members of the Senate and to learn at close range how the machinery of government operates; and

WHEREAS, It is the wish of the Senate that grateful recognition be given to the assistance these fine boys and girls render; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Secretary and the Presiding Officer of the Senate are authorized to issue certificates of merit to each page who serves in the Senate, as tokens of our appreciation.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. CALLING ON THE FINANCE DIRECTOR TO WORK WITH THE JOINT SELECT COMMITTEE ON STATE CAPITOL BUILDING OFFICE SPACE FOR THE PURPOSE OF SECURING AND ALLOCATING ADDITIONAL SPACE FOR THE USE OF THE LEGISLATURE AND ITS SERVICE ORGANIZATIONS.

WHEREAS, there is and has been for many years an acute shortage of legislative and legislative service organization office space in the Capitol building; and

WHEREAS, it is most feasible that such space be located within the Capitol building so as to be in near proximity to the legislative chambers; and

WHEREAS, several state offices are currently located in the Capitol which could operate efficiently out of other buildings in the Capitol complex; and

WHEREAS, at the organizational session of this legislature in January, a joint select committee on Capitol Building office space for the legislature and its service organizations was established; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That said committee invite the Finance Director of the state to attend all meetings of said committee and advise said committee as the need arises and work with said committee in securing and allocating additional office space for the legislature and its service organizations.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson, McMillan and Clemon offered the following Senate Resolution, to-wit:

S. R. 38. COMMENDING THE A. H. PARKER HIGH SCHOOL "THUNDERING HERD" FOR WINNING THE STATE 4-A 1974-75 BASKETBALL CHAMPIONSHIP.

WHEREAS, The A. H. Parker High School known as the "Thundering Herd of Bisons", true to its long tradition of winning, has recently again exhibited consummate skill, desire and pride in achieving the coveted State Senior Championship, and

WHEREAS, Coaches William H. Brown and John H. Willis are also due great credit not only for the high degree of leadership and talent important to team performance but also for a fine spirit and a victorious will, and

WHEREAS, The "Thundering Herd" basketball team compiled an overall record of thirty-three wins and three losses, and

WHEREAS, The "Thundering Herd" was the winner of the Shades Valley Invitational Tournament and the Birmingham City Schools Basketball championships in addition to defeating the Phillips High School Red Raiders in the State 4-A High School Basketball championship game, and

WHEREAS, The A. H. Parker "Thundering Herd" basketball team has participated in the State 4-A Championship Tournaments five of the past seven years, having won said championships three times and finishing in third place twice among said years, and

WHEREAS, Over the past twelve years the A. H. Parker "Thundering Herd" basketball team has amassed three hundred and thirty-eight wins and sixty-seven losses for a winning percentage of approximately 83% for said period, and

WHEREAS, The spirit and team ability is reflective of its school, faculty, parents and good citizens in its area and is indicative of the flaming "Thundering Herd" legend well cultivated in the youth who play, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we do most heartily congratulate and commend the basketball team and the High School for winning the State 4-A championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal of the school, and each coach and player of this championship team.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 6. Levying in Cullman County, Alabama, additional special county privilege and license taxes, paralleling the state sales taxes

provided for in Act No. 100 adopted at Second Special Session of the Alabama Legislature of 1959, as amended and supplemented, and additional special excise taxes paralleling the state use taxes provided for in Article 11, Chapter 20, Title 51, of the Code of Alabama of 1940, as amended and supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes, and for the enforcement of this Act by the State Department of Revenue; prescribing penalties and fixing punishment for violations of this Act; and to repeal Act No. 150, 1973 Regular Session of said Legislature, and any other laws in conflict with this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 92. Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 93. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk hire allowance for the office of Judge of Probate.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Givhan, Jones, King, Little, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 103. To provide each county commissioner but not the chairman of the county commission in counties having populations of not less than 17,000 nor more than 20,000 an expense allowance, such allowance to be payable out of the general fund of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 7. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

was taken up.

The Standing Committee on Commerce, Transportation and Utilities reported the following substitute for the Bill, S. B. 7, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 7

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Public Service Commission; creating the Alabama Public Service Appointment Commission and providing for the manner of its establishment; providing for the qualifications, duties and compensation of the members of said authority; providing for the appointment of members of the Alabama Public Service Commission and for the number, qualifications, duties, responsibilities and compensation of its members; authorizing the commission to select and appoint an executive secretary and to fix the duties and compensation of said executive secretary; providing that this act shall be construed in *pari materia* with Code of Alabama 1940, Title 48, as amended; repealing conflicting laws and specifically repealing Sections 2, 3, and 4 of said Title 48.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Public Service Commission Appointing Authority, hereafter referred to as the "Authority," which shall be composed of seven (7) members to be appointed by the Governor, the Lieutenant Governor and the Speaker

of the House within sixty (60) days after the passage of this act for terms of four (4) years each.

No two members of the Authority shall reside in the same congressional district. No member of the Authority may be appointed to the Alabama Public Service Commission nor shall any member be an officer or employee of any company, business or concern regulated by the Public Service Commission.

The Authority shall have the duty and responsibility of selecting and appointing the members of the Alabama Public Service Commission, subject to confirmation by the Senate. As compensation for the performance of their duties, members of the Authority shall receive fifty dollars (\$50) per day for each day actually engaged in committee work.

Section 2. Within sixty days after their appointment, members of the Authority shall meet in Montgomery, Alabama and make two additional appointments to the Alabama Public Service Commission. Thereafter said commission shall consist of five members and all members shall be appointed by members of the Authority subject to confirmation by the Senate. Nothing in this act shall be deemed to affect the terms of the incumbent president and associate members of the Alabama Public Service Commission. Members presently elected to and serving on said commission shall serve for the full time for which they were elected. The Authority shall make the two additional appointments for terms of six years each. As the term of each elected member of the commission shall expire, his successor shall be appointed for a term of six (6) years and thereafter all appointments shall be for six (6) year terms.

All appointments to the commission shall be subject to confirmation by the Senate within thirty days after the appointment is made. If the legislature is not in session at the time of any such appointment, confirmation may be made within thirty days after the convening of the next regular or special session thereafter, and if not confirmed therein, the Authority shall make new appointments.

Vacancies in office shall be filled in the same manner as original appointments are made, but only for the remainder of any unexpired term.

Section 3. Each member of the commission shall be at least twenty-five (25) years of age and shall be a qualified elector of this state. No member of the commission shall, during his or her term of office, be a candidate for any other public office, nor shall any member be employed during his term of office, or for ten (10) years after his term, by any company, business or concern regulated by the commission. No two members of the commission shall reside in the same congressional district. Members of the commission shall by a majority vote select one member to be chairman of the commission.

Section 4. The commission shall be authorized to select and appoint an executive director who shall be the administrative head of the commission and who shall perform such duties as may be fixed by the commission. Said director shall serve at the pleasure of the commission and shall be paid an annual salary of \$38,500 for the performance of his duties.

Section 5. Except as herein provided the duties and responsibilities of the commission shall be the same as those presently defined in Code of Alabama 1940, Title 48, as amended.

Section 6. As compensation for the performance of their duties, members of the Alabama Public Service Commission shall each be paid a salary of \$42,500 per annum.

Section 7. This act shall be construed in *pari materia* with Code of Alabama 1940, Title 48, but all laws and parts of laws in conflict herewith are repealed and Sections 2, 3 and 4 thereof are specifically repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Baker moved that the Bill, S. B. 7 and pending substitute, be indefinitely postponed. Mr. Foshee moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas 11; Nays 17.

Yeas:

Messrs. Edwards, Fine, Foshee, Gilmore, Little, Littleton, Owen, Powell, St. John, Torbert, Vacca.

—11

Nays:

Messrs. Baker, Bank, Ellis, Givhan, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Perloff, Roberts, Shelby, Waldrop, Weaver, Wilson.

—17

The question was then on the motion to indefinitely postpone.

ADJOURNMENT

At 10:32 A.M., on motion of Mr. Foshee, pending further consideration of S. B. 7, the Senate adjourned until Thursday, April 10, 1975 at 10 o'clock A.M.

EIGHTH LEGISLATIVE DAY

THURSDAY, APRIL 10, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend James Cleondis, Pastor, Greek Orthodox Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—33

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Clemon and Givhan for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 22. Creating an Interim Study Committee on the pay scale and salary structure of State Officials.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe, Callahan, McCorquodale, Manley, Merrill, Smith (M), Owens, Drake, Morris, Johnstone, Quarles, McNees, Naramore and Sonnier:

H. 15. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Also:

By Messrs. Merrill, Manley, Callahan, McCorquodale, Owens, Cooper, Drake, Morris, Smith (M), Johnstone, Pegues, Campbell, Wyatt, Sparks and Rich:

H. 7. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Also:

By Messrs. Smith (M), Manley, Merrill, Cooper, Crowe, Waggoner, Morris, Callahan, Owens, Drake, McCorquodale, Gafford, Wyatt, McNair, Warren, Weeks, Plaster, Naramore, McCulley, Pegues, Moore (O), Holley, Cates, Sandusky, Johnstone and Campbell:

H. 16. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Also:

By Messrs. Cooper, Gafford, Crowe, Manley, Merrill, Callahan, Waggoner, McCorquodale, Morris, Drake, Owens, Smith (M), Kinsey, McCulley, McNair, Johnstone, Baker, Pegues, Campbell, Malone, Sandusky, Carothers, Williams, Harrison, Lewis and Glass:

H. 77. To create the office and position and prescribe the duties and powers of a consumers' utility counsel; to provide for the appointment and employment of the personnel of such office; to make and provide for appropriations for the administration of such office; to authorize such office to receive any funding available under Federal grants and from other sources for the administration of such office; to provide for the liberal construction and application of this act; to repeal all laws or parts of laws in conflict herewith, and to provide for the effective date hereof.

Also:

By Messrs. Manley, Burgess, Waggoner, Merrill, Crowe, Callahan, McCorquodale, Owens, Gafford, Cooper, Drake, Morris, Smith (M), Campbell, Pegues, Warren, Biddle, Folmar, Clark, Plaster, Wyatt, Weeks, Naramore, Coburn, Carter, Johnstone and Teague:

H. 4. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Also:

By Messrs. Morris, Owens, Smith (M), Drake, Waggoner, Callahan, Crowe, Baker, Manley, Merrill, Gafford, McCorquodale, Pegues, Dial, Warren, Campbell, Robertson, Sasser, Kinsey, Sandusky, Holley, Kelley, Cates and Johnstone:

H. 30. To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Also:

By Messrs. Morris, Holley, Drake, Waggoner, Callahan, Crowe, Manley, Merrill, Gafford, Smith (M), McCorquodale, Pegues, Dial, Warren, Campbell, Robertson, Sasser, Kinsey, Teague, Baker, Johnstone, Turnham, White, Sandusky, Kelley, Hall, Williams, Cates, Hines, Folmar and Carothers:

H. 31. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws

and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Also:

By Messrs. Owens, Manley, Callahan, Drake, Smith (M), Morris, Waggoner, Merrill, Gafford, McCorquodale, Cooper, Warren and Higginbotham:

H. 70. To limit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Also:

By Messrs. Manley, Owens, Smith (M), Johnstone, Morris, Campbell and Pegues:

H. 3. To require any utility or telephone company that is required to obtain a certificate of convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction of any new facility to first obtain such certificate before instituting condemnation proceedings before the Probate or other courts of the state to condemn the land on which such new facility would be located; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 15, 7, 16, 77, 4, 30, 31, 70 and 3. To the Committee on Commerce, Transportation and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M), Burgess, Killian, Hall, Starkey, Weeks, Riddick, Baker, Kinsey, Holley, McCulley, Dial and Teague:

H. 157. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 157. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Kinsey, Mitchem, Andrews, Cooper, White, Carter, Weeks, Smith (M), Lockett, Sasser, Waggoner, Morris, McMillan, Holley, Teague, Falkenburg, McNees, Sandusky, Malone, Carothers, Williams, McCulley, Rich, Crawford, Kelley, Folmar, Glass, Naramore, Hines, Hill, Greer, Goodwin, Smith (J), LeFlore and Sonnier:

H. 2. To amend Code of Alabama 1940, Title 15, Section 104, which provides for the issuance of search warrants by a local magistrate, based on probable cause, so as to provide for the issuance of such warrants to any officer of the Bureau of investigation and intelligence of the Department of Public Safety and the sheriff, but not the constable, and for their execution by such lawful officers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 2. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Johnstone, Callahan, Cooper, Kennedy and Sonnier:

H. 59. To provide that in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarians upon retirement.

Also:

By Messrs. Lee, Johnson and Clark:

H. 168. Relating to the sixth judicial circuit; to provide further for the compensation of supernumerary judges who retire from the sixth judicial circuit.

Also:

By Mr. Callahan:

H. 64. To amend Act No. 2441, of the 1971 Legislature (Acts, 1971, Page 3903), entitled "An act to provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the Chief of Police of such municipality in event of a vacancy, from the number of officers of the police force who hold the rank of Captain or above, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such governing body may fix the compensation of said Chief of Police, and his status in any civil service system in such municipality."

Also:

By Messrs. Glass, Johnstone, Cooper, Sandusky, Sonnier, Malone, Callahan and LeFlore:

H. 180. To require the members of the board of registrars in all counties having populations of not less than 300,000 or more than 600,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Also:

By Messrs. Gafford, Falkenburg, White and Biddle:

H. 145. To provide that in each county of this State having a population of 500,000 or more, according to the last or any subsequent federal census, it shall be the duty of the governing body of the county to adopt whatever regulations the governing body deems appropriate requiring motor vehicles owned or controlled by the county, excluding those in the Sheriff's Department owned or controlled by the county, to be so painted and otherwise marked as to be easily identifiable as county vehicles; to authorize the governing body to prescribe different colors and signs for county motor vehicles used in the Sheriff's Department and county vehicles used in other county departments; to require that the regulations the county governing body adopts hereunder shall be contained in a resolution adopted by the governing body; and to provide that a violation of any of the provisions of any regulation adopted under this Act shall constitute a misdemeanor, and shall be punishable as provided for in Section 327, Title 15, Code of Alabama of 1940.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 59, 168, 64, and 180. To the Committee on Local Legislation No. 1.

H. B. 145. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Weeks:

H. 160. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

By Mr. Weeks:

H. 161. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

By Mr. Weeks:

H. 162. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

By Mr. Pegues:

H. 177. Relating to Perry County; providing for the opening, construction, repair, and maintenance of certain drives and roadways by the county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF PERRY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Perry County; providing for the opening, construction, repair, and maintenance of certain drives and roadways by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners of Perry County, or the board of revenue or other public body having general jurisdiction of the county road system, shall, upon application, open, construct, repair and maintain at county expense, any driveway or other roadway leading from a public road to the residence of an abutting homeowner. Provided, that the actual cost of opening, constructing, repairing, or maintaining that part of any drive or roadway extending beyond one-half mile from the connecting public road shall be borne and paid by the homeowner.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Albert Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Jan. 2, Jan. 9, Jan. 16, and Jan. 23, all in the year 1975.

ALBERT STEWART.

Sworn to and subscribed before me Jan. 23, 1975.

ELIZABETH F. STEWART,
Notary Public.

Also:

By Mr. Pegues:

H. 178. Authorizing the county commission of Perry County to provide for not more than two additional clerks to assist the probate judge of Perry County in the performance of his duties.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF PERRY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Authorizing the county commission of Perry County to provide for not more than two additional clerks to assist the probate judge of Perry County in the performance of his duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Perry County may provide for not more than two clerks in addition to those presently authorized, to assist the probate judge of Perry County in the performance of his duties. The personnel shall be selected by the judge of probate and the compensation of each such employee shall be set by the county governing body in an amount not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per month.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Albert Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 6, March 13, March 20, and March 27, all in the year 1975.

ALBERT STEWART.

Sworn to and subscribed before me March 27, 1975.

ELIZABETH F. STEWART,
Notary Public.

Also:

By Messrs. Andrews, McNair, Biddle, Harrison, Moore (O), White, Trammell, Gafford, Waggoner, Hall, Howard, Hopping, Leonard, Armstrong, Tucker, Hilliard, Jolly and Porter:

H. 34. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended:

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of intention to apply at any special or regular session of the Legislature of Alabama held during the year 1975 for the adoption of an act which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended:

Be It Enacted by the Legislature of Alabama:

Section 1: Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, as heretofore amended, be and the same hereby is further amended by adding thereto the following:

Subsection k. After the effective date of this subsection (k) any member of the system whose total benefits are less than Three Hundred (\$300.00) Dollars per month shall be entitled to a further benefit of such amount not in excess of One Hundred Fifty (\$150.00) Dollars per month as when added to the benefits otherwise provided for herein shall bring his total benefits under this act to Three Hundred (\$300.00) Dollars per month.

Subsection l. After the effective date of this subsection (l) the widow of any deceased member of the system whose total benefits are less than One Hundred Forty (\$140.00) Dollars per month shall be entitled to a further benefit not in excess of One Hundred (\$100.00) Dollars per month as when added to the benefits otherwise provided for herein shall bring her total benefits under this act to One Hundred Forty (\$140.00) Dollars per month.

Section 2: The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 3: This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; but the supplemental allowances provided for herein shall not be payable until the month succeeding the month in which this act becomes effective.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor Abercrombie Foster, who, by me duly sworn, deposes and says that she is the Publisher of Alabama Messenger, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of general circulation, published and printed in Jefferson County, Alabama, and which has been in continuous weekly publication since 1918, and that there was published in said newspaper in

the issues of February 8, 15, 22, March 1, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 3rd day of March, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Mr. Waggoner:

H. 47. To provide for, and regulate, the office of Register of the Circuit Court in every county of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a county office subject to any civil service law applying to employees of the county; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Also:

By Messrs. Hall, Gafford, Waggoner, Leonard, Jolly, Hilliard, Hopping, Porter, Howard, Trammell, Boles, Andrews, Falkenburg, McNair, Biddle and Armstrong:

H. 94. To amend Section 3.04 of Act No. 452, H. 974, 1955 Regular Session (Acts of 1955, p. 1004), as amended, which provides for a form of municipal government known as mayor-council form of government for cities having a population in excess of 300,000 inhabitants; so as to reduce the required age for city councilmen from 25 to 21 years of age.

Also:

By Messrs. Gafford, Falkenburg and Biddle:

H. 144. To provide that in any county having a population of 500,000 or more according to the last or any subsequent federal census the governing body of the county shall appoint and may remove the Chairman of the Board of Registrars, subject, however, to the provisions of the merit system of the county; to provide the compensation which shall be payable to such Chairman by such county; to provide that the Chairman shall pay to the county any compensation he or she receives from the State of Alabama; to provide for the duties and authority of such Chairman; to provide when and where the Board of Registrars shall meet; and to repeal all laws or parts of laws inconsistent with this Act.

Also:

By Messrs. Biddle, Falkenburg, Waggoner, Jolly, Armstrong, Gafford, Moore (O) and Trammell:

H. 143. To provide further for the division of duties among the county commissioners in all counties having populations greater than 600,000 according to the most recent federal decennial census and having a county commission composed of three members whose duties are divided among three departments so as to provide for the supervision and operation of farms by any such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 160, 161, 162, 177 and 178. To the Committee on Local Legislation No. 1.

H. B.'s 34, 47, 94, 144 and 143. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Callahan:

H. 117. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of not less than 300,000 nor more than 600,000, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Also:

By Mr. Malone:

H. 184. To provide that the employees of any city lying within any county which has a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the Circuit Court; to provide that it shall be unlawful for an employee to strike or

engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this Act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 117 and 184. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Sandusky, Smith (C), Carothers, Williams, Baker, Whatley, Higginbotham, Ford, Sonnier, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White and Wyatt:

H. J. R. 70. COMMENDING COACH JAMES RALPH "SHUG" JORDAN ON HIS ILLUSTRIOUS COACHING CAREER AND WISHING HIM A HAPPY FUTURE RETIREMENT.

WHEREAS James Ralph "Shug" Jordan has announced his future retirement as head football coach of Auburn University after twenty-four years as head coach and an enviable record of 172 victories; and

WHEREAS Coach Jordan's victory record has propelled him into the No. 4 slot in all-time victories among college coaches and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS Coach Jordan's teams have participated in thirteen post-season bowl games, including the last eight years in a row; and

WHEREAS Coach Jordan has been named national Coach of the Year by the Washington Touchdown Club, selected Coach of the Year in the SEC four times, and inducted into the Alabama Sport Hall of Fame as a Charter member;

WHEREAS Coach Jordan's 1957 Squad presented this State with its first Associated Press National Championship and in so doing Auburn became the second Southern team to have ever won a national championship; and

WHEREAS Coach Jordan was born in Selma on September 25, 1910, and is married to the former Evelyn Walker of Columbia, S. C., and they have two daughters and a son—Susan, Darby, and Ralph, Jr.; and

WHEREAS Coach Jordan is a friend of students who has never hesitated to aid student and university activities; and

WHEREAS Coach Jordan's leadership, his high sense of fair play, and his dogged determination to overcome the obstacles of life have set an example for others both on and off the field; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Coach James Ralph "Shug" Jordan on his illustrious coaching career and wishes him a happy future retirement, and a successful 1975 football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent Coach and Mrs. Jordan.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 70, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 26. REQUIRING CERTAIN DUTIES OF THE STATE PERSONNEL BOARD RESPECTING THE CLASSIFICATION OF POSITIONS FOR EMERGENCY MEDICAL SERVICES AND THE ESTABLISHMENT OF RATES OF PAY.

Also:

S. J. R. 30. TO ENCOURAGE CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO GIVE TAX PAYERS CREDIT ON THEIR TAXES THE DEDUCTION OF THEIR UTILITY BILLS AS A TAX ITEM.

Also:

S. J. R. 32. RESOLUTION FOR NAMING OF THE G. W. "JEFF" BEARD ATHLETIC COURTS.

Also:

S. J. R. 34. AUTHORIZING A STUDY OF ELEMENTARY AND SECONDARY SCHOOL BUILDINGS BY THE ALABAMA EDUCATION STUDY COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 16. COMMENDING THE REV. DR. NELSON H. SMITH FOR TWENTY-ONE YEARS OF DEVOTED SERVICE TO THE NEW PILGRIM BAPTIST CHURCH AND THE BIRMINGHAM COMMUNITY: AND FOR HIS OUTSTANDING REPRESENTATION OF THE STATE OF ALABAMA AS PRESIDENT OF THE PROGRESSIVE NATIONAL BAPTIST CONVENTION.

Also:

S. J. R. 17. CONGRATULATING AND COMMENDING MISS SALLY CASH, THE 1975 ALABAMA MAID OF COTTON.

Also:

S. J. R. 20. MOURNING THE DEATH OF MR. HOLLEY MITCHELL.

Also:

S. J. R. 21. MOURNING THE DEATH OF ARTHUR DOUGLAS ALLEN.

Also:

S. J. R. 24. MOURNING THE DEATH OF JAMES RAYMOND PARKER.

Also:

S. J. R. 27. MOURNING THE DEATH OF MR. JAMES MORRIS FORD OF GADSDEN.

Also:

S. J. R. 28. MOURNING THE DEATH OF EMORY LOYD BOGGS OF GADSDEN.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 108. To exempt The Muscular Dystrophy Association, Inc. from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Weaver:

S. 109. To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 110. To exempt the Little Sisters of the Poor Home For the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 111. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 112. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census: authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

Committee on Local Legislation No. 1.

By Mr. Stewart:

S. 113. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Committee on Local Legislation No. 1.

SELECT COMMITTEE APPOINTMENT ANNOUNCED

The President and Presiding Officer announced that on the previous day he had appointed a select committee for the study of public utility legislation now pending in the Legislature. This committee consists of Mr. Flippo, Chairman, and Messrs. Baker, Roberts, McMillan, Shelby, Torbert, Wilson, McDonald (A) and Foshee.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (S) and Mims:

S. 81. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

By Messrs. Owen, Wilson and Torbert:

S. 56. To amend Act No. 90, S. 66, Special Session 1971 in relation to further appropriations for the construction of Federal Aid highway projects.

By Messrs. Adams, Jones, Shelby, Stewart, Perry, Fine, Noonan, Wilson, Mims, McMillan, Pearson, Vacca, Torbert, Weaver, Mitchell, Bank, Little and Waldrop:

S. 39. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Adams, Powell, Edwards, Little, King, McDonald (A), Mims, Shelby, Bank, Clemon, Weaver, Waldrop, Stewart and Mitchell (With Amendments):

S. 23. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill

and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hill:

H. 39. Relating to the operation of vehicles in this state; amending further Code of Alabama 1940, Title 36, Sections 2 and 3, so as to provide that the driving of a vehicle of any kind by a person under the influence of any narcotic or drug or by an intoxicated person or the driving thereof recklessly on a public highway or road, or at any other place to which the public generally is invited shall be offenses proscribed by such sections.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hill (With Amendment):

H. 40. To amend Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts of Alabama, p. 508), as last amended, so as to provide deductions from sentences of less than six months and over thirty days.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Torbert, Jones and Givhan:

S. 106. To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical Commission of the State of Alabama to the Alabama Historical Commission.

By Messrs. Sasser and Williams:

H. 20. To name the administration-classroom building at Alabama Aviation and Technical College in Ozark, Alabama, the Henry B. Steagall, II Building.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 68. To amend Section 1 of Act No. 1024, S. 461, Regular Session 1973, (Acts 1973, p. 1561) which act provides for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges so as to further regulate said salaries or compensation.

By Mr. Shelby:

S. 69. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

By Mr. Shelby:

S. 70. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

By Mr. Shelby:

S. 71. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

By Messrs. Perloff, Roberts and Noonan:

S. 107. To amend the title and Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon, etc., so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

NOTICE IN WRITING

Mr. Foshee offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day the following motion to amend Rule 3 of the Senate Rules will be filed:

Amend Senate Rule 3 by adding in the first sentence thereof after the word "Governor" and before the words "Executive Secretary" the following:

"Legal Adviser"

Which was read and ordered spread upon the Journal.

BILLS ON THIRD READING

The Bill:

S. 91. To provide an additional expense allowance for the circuit court reporter of the Second Judicial Circuit payable by the counties composing said circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 101. Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

S. 100. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Perry,

Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 99. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 98. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

RESOLUTIONS

Messrs. Pearson, McMillan, Gilmore, Mims, McDonald (A), Little, Wilson, Shelby, Owen, Ellis, Bank, King, Jones, Weaver, Foshee, Vacca, Perloff, St. John, Stewart, Waldrop, Torbert, Fine, McDonald (S), Flippo and Roberts offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. CREATING AN INTERIM COMMITTEE TO STUDY ALL FACETS OF THE STATE PARKS SYSTEM OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study all facets of the state parks, and the upgrading of state park operations within the state. Said committee shall consist of three members of the Senate to be appointed by the Lieutenant Governor and three members of the House to be appointed by the Speaker of the House. This committee to meet within thirty days after this resolution becomes effective and from among its members shall elect a chairman and a vice-chairman.

Each member of such committee shall be entitled to his regular legislative compensation, his per diem and travel expense for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

The Committee shall report to the Legislature on its findings by the 10th legislative day of the regular session 1975 and upon submission of its report shall be dissolved.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McDonald (A) offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. CREATING AN ATHENS COLLEGE LEGISLATIVE ON-SITE EVALUATION COMMITTEE TO STUDY THE PROPOSAL THAT ATHENS COLLEGE BE ACCEPTED BY THE STATE BOARD OF EDUCATION.

WHEREAS Athens College has a heritage of 153 years of uninterrupted educational service to the State of Alabama, having been chartered in 1822 just three years after Alabama became a state; and

WHEREAS Athens College exerts a vital influence upon the economic and cultural life of its Tennessee Valley community of North Alabama; and

WHEREAS Athens College has a strong program of education, a student body of 800, and a dedicated and capable staff and faculty; and

WHEREAS its financial need is such that it must find additional sources of support in order to continue to serve as an institution of higher education; and

WHEREAS the North Alabama Conference of the United Methodist Church has taken action to effect the conveyance of the campus of Athens College to the State of Alabama to be used as a state institution of higher education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six members of the legislature be appointed, three appointed by the President of the Senate, and three appointed by the Speaker of the House, for the purpose of an on-site evaluation and study of the proposal that the State Board of Education accept as a gift Athens College for possible use, which might include but would not be limited to its use as:

1. A senior college division known as an upper division;
2. A four year college;
3. Part of a merger of Athens College and Calhoun Tech under one administration;
4. A vocational training institute.

The committee may recommend to the legislature one or more of the above uses, other uses not listed, or may recommend that the State Board of Education not accept Athens College as a state institution.

The chairman of the committee shall hold a public hearing whereby the Presidents of each 4-year Institution and the Executive Director of the Alabama Commission on Higher Education or any other interested person shall be allotted reasonable time to voice any opinion on the committee's inquiry, should they so desire.

The Athens College on-site evaluation committee shall elect a chairman from among its members, and shall make its report to the legislature on or before the first legislative day of the 1975 Regular Session.

Each committee member shall be entitled to receive his regular legislative per diem and mileage expenses for one inspection of the Athens College Campus.

On motion of Mr. McDonald (A), the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Torbert, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson and Lieutenant Governor Beasley offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. COMMENDING COACH JAMES RALPH "SHUG" JORDAN ON HIS ILLUSTRIOUS COACHING CAREER AND WISHING HIM A HAPPY FUTURE RETIREMENT.

WHEREAS James Ralph "Shug" Jordan has announced his future retirement as head football coach of Auburn University after twenty-four years as head coach and an enviable record of 172 victories; and

WHEREAS Coach Jordan's victory record has propelled him into the No. 4 slot in all-time victories among college coaches and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS Coach Jordan's teams have participated in thirteen post-season bowl games, including the last eight years in a row; and

WHEREAS Coach Jordan has been named national Coach of the Year by the Washington Touchdown Club, selected Coach of the Year in the SEC four times, and inducted into the Alabama Sport Hall of Fame as a Charter member;

WHEREAS Coach Jordan's 1957 Squad presented this State with its first Associated Press National Championship and in so doing Auburn became the second Southern team to have ever won a national championship; and

WHEREAS Coach Jordan was born in Selma on September 25, 1910, and is married to the former Evelyn Walker of Columbia, S. C., and they have two daughters and a son—Susan, Darby, and Ralph, Jr.; and

WHEREAS Coach Jordan is a friend of students who has never hesitated to aid student and university activities; and

WHEREAS Coach Jordan's leadership, his high sense of fair play, and his dogged determination to overcome the obstacles of life have set an example for others both on and off the field; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING, That this body does commend Coach James Ralph "Shug" Jordan on his illustrious coaching career and wishes him a happy future retirement, and a successful 1975 football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent Coach and Mrs. Jordan.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Edwards and Plaster:

H. J. R. 42. Commending the Ft. Deposit Academy Football Team for its outstanding season.

Also:

By Messrs. Cross and Carter:

H. J. R. 43. Mourning the death of Mrs. Annie Graham.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 44. Commending W. Chandler McGowan upon his retirement as superintendent of education of Baldwin County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 42, 43 and 44, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 47. MOURNING THE DEATH OF LUCHIE VICKERY.

Also:

By Messrs. Jackson (R), Porter and Tucker:

H. J. R. 51. MEMORIALIZING AARON DORSEY JONES FOR HIS OUTSTANDING PLAY AND CAREER AS A WEST END LIONS RUNNING BACK.

Also:

By Messrs. Jackson (R), Porter and Tucker:

H. J. R. 52. COMMENDING THE WEST END HIGH SCHOOL ("LIONS") FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

By Messrs. Jackson (R), Porter and Tucker:

H. J. R. 53. MEMORIALIZING ALLEN MURPHY FOR HIS OUTSTANDING COLLEGIAN BASEBALL CAREER.

Also:

By Messrs. Jackson (R), Porter and Tucker:

H. J. R. 54. COMMENDING THE A. H. PARKER HIGH SCHOOL ("THUNDERING HERD") FOR WINNING THE STATE FOUR-A (4-A) BASKETBALL CHAMPIONSHIP.

Also:

By Mr. Dial:

H. J. R. 55. COMMENDING THE LINEVILLE HIGH SCHOOL BASKETBALL TEAM.

Also:

By Mr. Teague:

H. J. R. 56. COMMENDING DR. ROBERT STOCK FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY OF CHILDERSBURG, ALABAMA.

Also:

By Mr. Teague:

H. J. R. 57. COMMENDING THE CHILDERSBURG HIGH SCHOOL BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

Also:

By Mr. Reed:

H. J. R. 58. COMMENDING CHARLES M. REYNOLDS OF FITZPATRICK, ALABAMA, FOR HIS OUTSTANDING ACHIEVEMENTS IN FARMING.

Also:

By Messrs. Sasser and McNair:

H. J. R. 59. COMMENDING WILBUR JACKSON FOR HIS OUTSTANDING GRIDIRON ACHIEVEMENTS.

Also:

By Messrs. Martin, Roberts, Cross and Drake:

H. J. R. 61. COMMENDING THE STUDENTS AND STAFF OF AUSTIN HIGH SCHOOL FOR THEIR RECORD-SETTING BLOOD DRIVE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 47, 51, 52, 53, 54, 55, 56, 57, 58, 59 and 61, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Andrews, Albright, Armstrong, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt:

H. J. R. 49. COMMENDING HOUSE CLERK JOHN PEMBERTON FOR HIS PATIENCE AND HELPFULNESS

WHEREAS John Pemberton has carried out his duties as Clerk of the House of Representatives in a manner both courteous and helpful; and

WHEREAS John Pemberton's untiring patience and helpfulness have especially benefitted the freshman members of this body, soothing the shock of transition from private life to the turbulence of a legislative session; and

WHEREAS this legislature would like to express its appreciation to John Pemberton for his very able and amiable assistance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Clerk of the House of Representatives John Pemberton for his unceasing patience and courteous helpfulness to the members of the legislature.

RESOLVED FURTHER that copies of this resolution shall not be certified as a true and correct copy by the Clerk of the House, but the Speaker of the House shall so certify such copies by his signature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 49, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. MOURNING THE DEATH OF MRS. CECIL DRAKE MOREMAN OF OPELIKA

WHEREAS once in a great while we are privileged to be associated with one of those very special human beings who use their seemingly boundless energy and enthusiasm to help those who are helpless, and to give hope to the hopeless, and by so doing uplift us all; and

WHEREAS upon the passing of one of these rare individuals it is fitting that we should pause and take note of the legacy of good works they have left behind, remembering that a tree shall be known by its fruit; and

WHEREAS during the 72 years of her life, Mrs. Cecil Drake Moreman put into practice her belief that every citizen should show an active interest in their community and its well-being; and

WHEREAS this practice included tireless effort for the benefit of neglected and dependent children, through the Opelika Pilots Club as president in 1964 and Governor of District 2 in 1970, and the Council for Neglected and Dependent Children of Lee County; and

WHEREAS through these organizations, foster homes for neglected and dependent youth were established and the Lee County Youth Development Center was initiated; and

WHEREAS Mrs. Moreman helped organize the American Field Service for Opelika which has sponsored foreign student exchange to promote better international understanding; and

WHEREAS Mrs. Moreman taught adult Sunday school classes for more than a quarter of a century and served on the Governor's Committee for Employment of the Handicapped at the request of Governor Wallace; and

WHEREAS Mrs. Moreman gave generously of her time as an active volunteer at the Lee County Nursing Home where she spent every Wednesday helping the aged; and

WHEREAS Mrs. Moreman still found time to serve in such organizations as the Twilight Garden Club, the Opelika Arts Association, and the Methodist Children's Village in Selma, for which she raised funds each year by a White Christmas offering; and

WHEREAS this legislature wishes to pay tribute to this great lady who shall be missed sorely; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Cecil Drake Moreman and wish to express our deep and sincere sympathy to her children; Mrs. John Robert Crim Jr., J. Drake Moreman, and Richard T. Moreman, to whom copies of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. COMMENDING FAYETTE'S "MAN OF THE YEAR", GEORGE BOLLING.

WHEREAS, The Interclub Council of Fayette, Alabama, selected George Bolling as Fayette's "Man of the Year" for 1974; and

WHEREAS, George Bolling, a native of Hamilton, received his degree in pharmacy at Auburn University and has operated a pharmacy in Fayette for 14 years; and

WHEREAS, He is an active and devoted member of the Church of Christ, serving as elder and Sunday School teacher; and

WHEREAS, His life is dedicated to serving his community, his church and his many friends in all stations of life; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we heartily concur in the selection of George Bolling as Fayette's "Man of the Year", a richly deserved honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Bolling.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 6. Levying in Cullman County, Alabama, additional special county privilege and license taxes, paralleling the state sales taxes provided for in Act No. 100 adopted at Second Special Session of the Alabama Legislature of 1959, as amended and supplemented, and

additional special excise taxes paralleling the state use taxes provided for in Article 11, Chapter 20, Title 51, of the Code of Alabama of 1940, as amended and supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes, and for the enforcement of this Act by the State Department of Revenue; prescribing penalties and fixing punishment for violations of this Act; and to repeal Act No. 150, 1973 Regular Session of said Legislature, and any other laws in conflict with this Act.

Also:

H. 92. Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties.

Also:

H. 93. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk hire allowance for the office of Judge of Probate.

Also:

H. 103. To provide each county commissioner but not the chairman of the county commission in counties having populations of not less than 17,000 nor more than 20,000 an expense allowance, such allowance to be payable out of the general fund of the county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 45. COMMENDING GOVERNOR WALLACE UPON BEING CURRENT TOP FAVORITE IN THE 1976 DEMOCRATIC PRESIDENTIAL RACE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 42. COMMENDING THE FT. DEPOSIT ACADEMY FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 43. MOURNING THE DEATH OF MRS. ANNIE GRAHAM.

Also:

H. J. R. 44. COMMENDING W. CHANDLER MCGOWAN UPON HIS RETIREMENT AS SUPERINTENDENT OF EDUCATION OF BALDWIN COUNTY.

Also:

H. J. R. 47. MOURNING THE DEATH OF LUCHIE VICKERY.

Also:

H. J. R. 49. COMMENDING HOUSE CLERK JOHN PEMBERTON FOR HIS PATIENCE AND HELPFULNESS.

Also:

H. J. R. 51. MEMORIALIZING AARON DORSEY JONES FOR HIS OUTSTANDING PLAY AND CAREER AS A WEST END LIONS RUNNING BACK.

Also:

H. J. R. 52. COMMENDING THE WEST END HIGH SCHOOL ("LIONS") FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 53. MEMORIALIZING ALLEN MURPHY FOR HIS OUTSTANDING COLLEGIAN BASKETBALL CAREER.

Also:

H. J. R. 54. COMMENDING THE A. H. PARKER HIGH SCHOOL ("THUNDERING HERD") FOR WINNING THE STATE FOUR-A (4-A) BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 55. COMMENDING THE LINEVILLE HIGH SCHOOL BASKETBALL TEAM.

Also:

H. J. R. 56. COMMENDING DR. ROBERT STOCK FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY OF CHILDERSBURG, ALABAMA.

Also:

H. J. R. 57. COMMENDING THE CHILDERSBURG HIGH SCHOOL BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

Also:

H. J. R. 58. COMMENDING CHARLES M. REYNOLDS OF FITZPATRICK, ALABAMA, FOR HIS OUTSTANDING ACHIEVEMENTS IN FARMING.

Also:

H. J. R. 59. COMMENDING WILBUR JACKSON FOR HIS OUTSTANDING GRIDIRON ACHIEVEMENTS.

Also:

H. J. R. 61. COMMENDING THE STUDENTS AND STAFF OF AUSTIN HIGH SCHOOL FOR THEIR RECORD-SETTING BLOOD DRIVE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

.REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 16. Commending The Rev. Dr. Nelson H. Smith.

Also:

S. J. R. 17. Congratulating and commending Miss Sally Cash.

Also:

S. J. R. 20. Mourning the death of Mr. Holley Mitchell.

Also:

S. J. R. 21. Mourning the death of Arthur Douglas Allen.

Also:

S. J. R. 24. Mourning the death of James Raymond Parker.

Also:

S. J. R. 26. Requiring certain duties of the State Personnel Board for emergency medical services.

Also:

S. J. R. 27. Mourning the death of Mr. James Morris Ford.

Also:

S. J. R. 28. Mourning the death of Emory Loyd Boggs.

Also:

S. J. R. 30. Encouraging Congress to amend the Internal Revenue Code.

Also:

S. J. R. 32. Naming the G. W. "Jeff" Beard Athletic Courts.

Also:

S. J. R. 34. Authorizing a study of school buildings by the Alabama Education Study Committee.

E. C. FOSHEE,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for the day, which was the Bill:

S. 7. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

and pending substitute, which said substitute is set out at length in the Journal of the Senate for the Seventh Legislative Day.

Mr. Baker requested and received unanimous consent to withdraw his motion offered on the Seventh Legislative Day to indefinitely postpone the Bill, S. B. 7 and pending Committee substitute.

On motion of Mr. Flippo, said Committee substitute was laid on the table.

Mr. Flippo then offered the following substitute for the Bill, S. B. 7, to-wit:

SUBSTITUTE FOR S. B. 7

A BILL
TO BE ENTITLED
AN ACT

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members; to establish the division of Utility Research within the Commission; and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission established by Code of Alabama 1940, Title 48, Section 1 is hereby reorganized so as to consist of five (5) members, who shall represent five public service commission districts throughout the state, each said district to be composed of seven consecutively numbered state legislative senatorial districts, viz; District No. 1 shall be senatorial districts 1-7; District No. 2 shall be senatorial districts 8-14; District No. 3 shall be senatorial districts 15-21; District No. 4 shall be senatorial districts 22-28; and District No. 5 shall be senatorial districts 29-35. Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents.

Section 2. A member of the Public Service Commission from District No. 1 and No. 5 shall be elected at a special election which shall be held on the same day as the constitutional referendum election is held for those constitutional amendments proposed in the 1975 Regular Session of the legislature. Said commissioners shall be elected in 1975 for five (5) year terms and in the general election in 1980, and every four years thereafter, for four (4) year terms, each. A member of the Public Service Commission shall be elected from District No. 2 at the general election in 1976 and every four years thereafter for a four (4) year term. Members of the Public Service Commission serving when this act becomes effective shall serve out, as commissioners from Districts No. 3 and No. 4, the terms for which they have been elected members of the commission. Their successors shall be elected at the general election in 1978 and every four years thereafter for four year terms, each.

Section 3. The persons elected from Districts No. 1 and No. 5 in the 1975 election shall enter upon the discharge of their respective duties immediately after the election results have been certified and shall continue in office until their successors are elected and qualified. The incumbent president of the commission shall continue to serve out the term for which he was elected. The persons elected from Districts No. 2, No. 3 and No. 4 in the 1976 and 1978 general elections shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election, and shall continue in office until their successors are elected and qualified. On this same day, and every two years thereafter, the public service commission shall meet in an organizational session for the purpose of electing from its membership a president who shall preside at all meetings of the commission. In the event that the presidency should become vacant, an emergency organizational

session shall be called by the Governor, not later than thirty days after said presidency has become vacant, for the purpose of selecting a president to serve for the remainder of the unexpired term.

Section 4. The compensation of the several associate members of the commission shall be the same as is now provided by law for the associate commissioner and the president shall receive such compensation as is now provided by law.

Section 5. There is hereby established within the commission a division to be known as the Utility Research Division, which shall be: (1) research and examine the operations of public utilities; (2) investigate, prepare and present to the commission evaluations of the performance of public utilities; (3) research, investigate and project current and future supply and demand for energy and other utility services and the present and future costs thereof; and (4) to prepare, present and recommend to the commission all applicable findings during rate proceedings. The division shall consist of director, deputy director, utility economists and utility cost control analysts, all of whom shall be educated, trained and skilled in the performance of their respective duties conferred herein on this division, and such other staff, experts, clerks, personnel and employees as may be provided by law, and the salaries therefor shall be fixed according to the provisions of the merit system.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Jones offered the following amendment to the Flippo substitute for the Bill, S. B. 7, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 7

Amend Flippo substitute for S. B. 7, Page 2, Line 33, by inserting the following after the word "term.": "The president of the commission shall have the responsibility of supervising all employees of the commission except the administrative assistants of the other commissioners. The commission as a whole shall establish personnel policies and the hiring and dismissal of employees subject to the merit system laws."

Mr. Flippo moved that said amendment be laid on the table, which motion was lost.

And said amendment to the Flippo substitute for the Bill, S. B. 7, was then adopted by the Senate.

Mr. Weaver offered the following amendment to the Flippo substitute, as amended, for the Bill, S. B. 7, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 7

Amend substitute for S. B. 7 by adding at the end of Section 1 the following:

"No member of the commission shall, during his or her term of office, be a candidate for any other public office, nor shall any member be employed during his term of office, or for twenty (20) years after his term, by any company, business or concern regulated by the commission."

On motion of Mr. Torbert, said amendment was laid on the table.

Yeas 25; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Waldrop, Wilson.

—25

Nay: Mr. Weaver.

—1

Mr. Stewart moved that further consideration of the Bill, S. B. 7, and pending substitute, as amended, be postponed until the next Legislative Day. On motion of Mr. Baker, the motion to postpone was laid on the table.

Yeas 16; Nays 15.

Yeas:

Messrs. Baker, Edwards, Fine, Flippo, Foshee, Gilmore, Littleton, McDonald (A), Mitchell, Owen, Perry, Powell, Roberts, St. John, Torbert, Wilson.

—16

Nays:

Messrs. Adams, Bank, Ellis, Jones, King, Little, McDonald (S), McMillan, Mims, Pearson, Perloff, Shelby, Stewart, Waldrop, Weaver.

—15

Mr. Bank then offered the following amendment to the Flippo substitute, as amended, for the Bill, S. B. 7, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 7

Amend substitute for S. B. 7 by adding at the end of Section 1 the following:

"No member of the commission shall, during his or her term of office, be a candidate for any other public office."

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs. Baker, Edwards, Flippo, King, McDonald (A), McDonald (S), Mims, Mitchell, Powell, Roberts, Shelby, Stewart, Torbert.

—13

Nays:

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Jones, Little, Pearson, Perloff, Perry, St. John, Vacca, Waldrop, Weaver.

— 15

And said amendment was then adopted by the Senate.

Mr. Torbert moved that the Senate reconsider the vote by which the Bank amendment was adopted, and said motion to reconsider was lost.

Mr. Waldrop offered the following amendment to the Flippo substitute, as amended, for the Bill, S. B. 7, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 7

Amend Flippo substitute, as amended, for Senate Bill No. 7, Page 1, Line 27, by striking out the remainder of Section 1 after the word "viz;" and inserting in lieu thereof the following: "District No. 1 shall be Senatorial Districts 1, 2, 3, 4, 6, 7 and 30; District No. 2 shall be Senatorial Districts 8, 9, 10, 16, 18, 19 and 20; District No. 3 shall be Senatorial Districts 5, 11, 12, 13, 14, 15 and 17; District No. 4 shall be Senatorial Districts 21, 22, 23, 24, 25, 26 and 27; District No. 5 shall be Senatorial Districts 28, 29, 31, 32, 33, 34 and 35. Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents."

On motion of Mr. King, said amendment was laid on the table.

The question was then on the Flippo substitute, as amended, for the Bill, S. B. 7, and said substitute was then adopted.

Yeas 25; Nays 1.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

— 25

Nay: Mr. Little.

— 1

Mr. King offered the following substitute for the Bill, S. B. 7, as amended by the Flippo substitute, to-wit:

KING SUBSTITUTE FOR S. B. 7

**A BILL
TO BE ENTITLED
AN ACT**

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members; to establish the division of Utility Research within the Commission; and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission established by Code of Alabama 1940, Title 48, Section 1 is hereby reorganized so as to consist of seven (7) members, who shall represent seven public service commission districts throughout the state, and said districts will be composed of the seven (7) existing congressional districts.

Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents.

Section 2. A member of the Public Service Commission from District No. 3 and No. 7 shall be elected at a special election which shall be held on the same day as the constitutional referendum election is held for those constitutional amendments proposed in the 1975 Regular Session of the legislature. Said commissioners shall be elected in 1975 for five (5) year terms and in the general election in 1980, and every four years thereafter, for four (4) year terms, each. A member of the Public Service Commission shall be elected from Districts No. 5 and 6 at the general election in 1976 and every four years thereafter for a four (4) year term. Members of the Public Service Commission serving when this act becomes effective shall serve out, as commissioners from Districts No. 1, No. 2 and No. 4 the terms for which they have been elected members of the commission. Their successors shall be elected at the general election in 1978 and every four years thereafter for four year terms, each.

Section 3. The persons elected from Districts No. 3 and No. 7 in the 1975 election shall enter upon the discharge of their respective duties immediately after the election results have been certified and shall continue in office until their successors are elected and qualified. The incumbent president of the commission shall continue to serve out the term for which he was elected. The persons elected from Districts No. 1, No. 2, No. 4, No. 5 and No. 6 in the 1976 and 1978 general elections shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election, and shall continue in office until their successors are elected and qualified. On this same day, and every two years thereafter, the public service commission shall meet in an organizational session for the purpose of electing from its membership a president who shall preside at all meetings of the commission. In the event that the presidency should become vacant, an emergency organizational session shall be called by the Governor, not later than thirty days after said presidency has become vacant, for the purpose of selecting a president to serve for the remainder of the unexpired term.

Section 4. The compensation of the several associate members of the commission shall be the same as is now provided by law for the associate commissioner and the president shall receive such compensation as is now provided by law.

Section 5. There is hereby established within the commission a division to be known as the Utility Research Division, which shall be: (1) research and examine the operations of public utilities; (2) investigate, prepare and present to the commission evaluations of the performance of public utilities; (3) research, investigate and project current and future supply and demand for energy and other utility services and the present and future costs thereof; and (4) to prepare, present and recommend to the commission all applicable findings during rate proceedings. The division shall consist of director, deputy director, utility economists and utility

cost control analysts, all of whom shall be educated, trained and skilled in the performance of their respective duties conferred herein on this division, and such other staff, experts, clerks, personnel and employees as may be provided by law, and the salaries therefor shall be fixed according to the provisions of the merit system.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Shelby moved that said substitute be laid on the table, which motion was lost.

Yeas 9; Nays 17.

Yeas:

Messrs. Edwards, Ellis, Gilmore, Jones, Mitchell, Noonan, Pearson, Shelby, Vacca.

—9

Nays:

Messrs. Adams, Baker, Fine, Flippo, Foshee, King, Little, McDonald (A), Mims, Perloff, Perry, Roberts, St. John, Stewart, Torbert, Waldrop, Weaver.

—17

And said substitute was then lost.

Yeas 13; Nays 14.

Yeas:

Messrs. Adams, Baker, King, Little, McDonald (A), Mims, Perloff, Perry, St. John, Shelby, Stewart, Waldrop, Weaver.

—13

Nays:

Messrs. Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Mitchell, Noonan, Pearson, Roberts, Torbert, Vacca, Wilson.

—14

Mr. Baker offered the following amendment to the Bill, S. B. 7, as amended, to-wit:

BAKER AMENDMENT TO S. B. 7, AS AMENDED

Amend S. B. 7, as amended by the substitute, Page 1, Line 22, by striking out Section 1 and by inserting a new Section 1 as follows:

"Section 1. The Public Service Commission established by Code of Alabama 1940, Title 48, Section 1 is hereby reorganized so as to consist of five members, who shall be elected from the State at large but shall be elected from numbered places."

Said Bill is further amended by changing the word "Districts" to "Places" wherever said word appears in said Bill, and by changing the word "District" to "Place" wherever said word appears in said Bill.

On motion of Mr. Flippo, said amendment was laid on the table.

Yeas 24; Nays 2.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—24

Nays: Messrs. Baker, Waldrop.

—2

And said Bill, S. B. 7, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 9.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, McDonald (A), Mims, Owen, Perloff, Powell, Roberts, St. John, Torbert, Vacca, Wilson.

—20

Nays:

Messrs. Ellis, Mitchell, Noonan, Pearson, Perry, Shelby, Stewart, Waldrop, Weaver.

—9

Mr. Fine moved that the Senate reconsider the vote by which the Bill, S. B. 7, as amended, was passed, and further moved that his motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 6

S. J. R. 7

S. J. R. 9

S. J. R. 10

S. J. R. 11

S. J. R. 12

S. J. R. 8

S. J. R. 13

S. J. R. 14

S. J. R. 15

S. J. R. 18

Delivered to the Governor, April 3, 1975, at 2:15 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 3:30 P.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 15, 1975, at 10 o'clock A.M.

NINTH LEGISLATIVE DAY

TUESDAY, APRIL 15, 1975

The Senate met pursuant to adjournment, President Pro Tempore Fine presiding.

PRAYER

The Session was opened with prayer by the Reverend Andrew L. Smith, Pastor, Heritage Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—33

JOURNAL

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Owen, leaves of absence were granted Messrs. Roberts and Mitchell for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 7. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members; to establish the division of Utility Research within the Commission; and to repeal all conflicting statutes.

E. C. FOSHEE,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Jones:

S. 114. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

Committee on Local Legislation No. 1.

By Mr. McDonald (S):

S. 115. Relating to all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent

federal decennial census; to authorize the governing bodies of said counties to increase salaries of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

Committee on Local Legislation No. 1.

By Mr. Littleton:

S. 116. To amend Act No. 777, House Bill 841, Regular Session, 1969, so as to provide for an increase in the salary of the Chief Examiner of Public Accounts and the salary of the Assistant Chief Examiner.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate.

S. 77. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge.

Also:

S. 49. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Shelby and Bank (With Substitute):

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all immunities, powers, rights and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that

each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White, et al:

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

By Mr. Sonnier, et al:

H. 27. Relating to insurance so as to require inclusion in all individual and group health insurance policies providing coverage on an expense incurred basis and in all individual and group service or indemnity type contracts issued by a nonprofit corporation which provides coverage for a family member of the insured or subscriber of coverage of injury or sickness of newly born children; to define terms; to provide for all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stewart:

S. 112. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census: authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

By Mr. Stewart:

S. 113. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Andrews, et al (with notice and proof):

H. 34. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended:

By Mr. Waggoner:

H. 47. To provide for, and regulate, the office of Register of the Circuit Court in every county of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a county office subject to any civil service law applying to employees of the county; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

By Mr. Hall, et al:

H. 94. To amend Section 3.04 of Act No. 452, H. 974, 1955 Regular Session (Acts of 1955, p. 1004), as amended, which provides for a form of municipal government known as mayor-council form of government for cities having a population in excess of 300,000 inhabitants; so as to reduce the required age for city councilmen from 25 to 21 years of age.

By Mr. Biddle, et al:

H. 143. To provide further for the division of duties among the county commissioners in all counties having populations greater than 600,000 according to the most recent federal decennial census and having a county commission composed of three members whose duties are divided among three departments so as to provide for the supervision and operation of farms by any such counties.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Gafford, Falkenburg and Biddle (With Amendment):

H. 144. To provide that in any county having a population of 500,000 or more according to the last or any subsequent federal census the governing body of the county shall appoint and may remove the Chairman of the Board of Registrars, subject, however, to the provisions of the merit system of the county; to provide the compensation which shall be payable to such Chairman by such county; to provide that the Chairman shall pay to the county any compensation he or she receives from the State of Alabama; to provide for the duties and authority of such Chairman; to provide when and where the Board of Registrars shall meet; and to repeal all laws or parts of laws inconsistent with this Act.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Weeks, Drake, McCorquodale, McNees and Smith (C):

H. J. R. 66. COMMEMORATING THE TOWN OF GUIN AND HER EFFORTS TO REBUILD FROM THE TORNADO THAT STRUCK A YEAR AGO TODAY.

Also:

By Messrs. Sandusky, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lockett, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt:

H. J. R. 65. COMMENDING REP. GARY COOPER ON HIS RECENT PROMOTION TO LT. COLONEL IN THE U. S. MARINE CORPS RESERVE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolutions, H. J. R.'s 66 and 65, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Lutz, Albright, Riddick, Smith (B), Moore (W) and Gregg:

H. J. R. 62. CONGRATULATING ALABAMA A & M UNIVERSITY ON ITS CENTENNIAL YEAR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolution, H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Glass, Callahan, LeFlore, Cooper, Johnstone, Malone, Sonnier, Sandusky and McCulley:

H. J. R. 79. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA BASEBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Mims offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. COMMENDING DR. JOHN G. MILLIGAN FOR HIS TREMENDOUS CONTRIBUTIONS TO THE FIELD OF VETERINARY MEDICINE AND CONGRATULATING HIM ON HIS RETIREMENT.

WHEREAS Dr. John G. Milligan has served the State of Alabama for thirty years as a veterinarian, 24 of those years as the State Veterinarian; and

WHEREAS Dr. Milligan has been an outstanding leader in the fight to control animal disease in the southeast, and has been instrumental in the eradication in this state of vesicular exanthema, screwworm, scrapie in sheep, hog cholera, and whose efforts have brought closer the eradication of tuberculosis and brucellosis in cattle; and

WHEREAS Dr. Milligan's close association and cooperation with the United States Department of Agriculture and his service as President of the U. S. Animal Health Association have benefitted agriculture in Alabama by keeping the farmers of the state abreast of the latest methods of animal disease control; and

WHEREAS this legislature wishes to pay tribute to this man whose talent, ability, and dedication will be sorely missed in the field of veterinary medicine; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Dr. John G. Milligan for his valuable contributions to animal disease control and veterinary medicine, and wish him a happy and fulfilling retirement.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. EXTENDING BIRTHDAY GREETINGS TO MR. "VESSIE" BRIDGES OF CARROLLTON UPON THE CELEBRATION OF HIS 100th BIRTHDAY ON APRIL 9, 1975.

WHEREAS, Mr. "Vessie" Bridges of Carrollton will celebrate his 100th birthday at a town birthday party on April 9th; and

WHEREAS, this remarkable "young" man continues to zestfully participate in such activities as playing his harmonica, square-dancing and walking to town daily to whip an opponent at dominoes; and

WHEREAS, Mr. Bridges for the past 65 years has served as grand jury bailiff in Pickens County, a position which he still holds; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Mr. "Vessie" Bridges the happiest of birthdays, and we extend to him all best wishes for many more birthdays.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Bridges.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Lutz, Gregg, Albright, Moore (W), Smith (B) and Riddick.

H. J. R. 77. Welcoming Exchange Students from Barranquilla, Colombia.

WHEREAS, the Alabama Legislature is honored to have in its midst a group of exchange students from Barranquilla, Colombia; and

WHEREAS, the presence of these young people typifies the warm relations between the United States of America and the Republic of Colombia; and

WHEREAS, there exist many cultural, economic, and social ties between the State of Alabama and the Republic of Colombia.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do extend a warm welcome to our friends from Colombia and do wish them well during their visit in Alabama.

BE IT FURTHER RESOLVED, That we do declare said Colombia Exchange Students to be honorary citizens of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolution, H. J. R. 77, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 51. To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 80. Relating to education; To remove the professional employees at the Director level of the Department of Education from the provisions of the merit system and repeal laws in conflict therewith.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 80, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 80

A BILL
TO BE ENTITLED
AN ACT

Relating to education; to remove the present and future Assistant State Superintendent of Education and the directors of the divisions of the Department of Education from the provisions of the merit system and repeal laws in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Superintendent of Education shall, with the approval of the State Board of Education, recruit and employ the Assistant State Superintendent of Education and the Division Directors of the Department of Education and such selection shall not be subject to the provisions of the merit system. Applicability of the merit system is hereby specifically removed from these employment positions on the effective date of this Act. The State Superintendent shall, with the approval of the State Board of Education, fix the annual salaries of said employees.

Section 2. All laws or parts of laws, specific or general, in conflict with the provisions of this Act are hereby specifically repealed.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Mr. Fine moved that the Bill, S. B. 80, and pending substitute, be postponed until the Fifteenth Legislative Day. On motion of Mr. McDonald (S), the motion to postpone was laid on the table.

Yeas 14; Nays 12.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, King, Little, McDonald (A), McDonald (S), Noonan, Powell, St. John, Torbert, Weaver, Wilson.

— 14

Nays:

Messrs. Ellis, Fine, Foshee, Jones, Littleton, McMillan, Mims, Owen, Pearson, Shelby, Stewart, Vacca.

— 12

Mr. Fine offered the following amendment to the substitute for the Bill, S. B. 80, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 80

Amend substitute for S. B. 80, Page 1, Line 25, by changing the period to a comma and by adding thereto the following:

provided, however, that this Act shall not be applicable to and shall not affect the rights of any person presently employed in the Department of Education who is presently under the merit system.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 45. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the 9th Legislative Day only:

Bill No.	Page
1. Uncontested Local Bills	
2. S. B. 54.	Court of Civil Appeals.
3. S. B. 106.	Cahaba Historical Site.
4. H. B. 20.	Henry B. Steagall Building.
5. S. B. 81.	Special Probate Judges.
6. S. B. 23.	Removal of Disabilities of Minority.
7. H. B. 40.	Deductions from sentences.
8. H. B. 39.	Relating to Operation of Vehicles.
9. S. B. 56.	Highway Budget.
10. S. B. 39.	Law Enforcement Officers.

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

POINT OF ORDER

At 11:35 A.M., Mr. Torbert raised the Point of Order that the Resolution, S. R. 45, containing a special order, could not be acted upon at this time under the provisions of Senate Rule 12.

President Pro Tempore Fine ruled that under the provisions of Senate Rule 63, the Standing Committee on Rules may report at any time, and therefore S. R. 45 is in order at this time.

FURTHER CONSIDERATION OF S. B. 80

On motion of Mr. Owen, further consideration of the Bill, S. B. 80, and pending committee substitute, and Fine amendment, was postponed until the next Legislative Day as unfinished business.

MOTION TO ADJOURN LOST

At 11:39 A.M., Mr. McDonald (S) moved that the Senate adjourn until Thursday, April 17, 1975, at 10 o'clock A.M., which motion was lost.

Yeas 4; Nays 26.

Yeas: Messrs. Clemon, Edwards, McDonald (S), Waldrop.

—4

Nays:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—26

SPECIAL ORDERS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for the day, the first of which was the Bill:

S. 89. To create the office of supernumerary sheriff in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

POINT OF ORDER

At 11:45 A.M., Mr. Torbert raised the Point of Order that, the Rules Committee report having been disposed of, the special order could not be called before 12 o'clock Noon, under the provisions of Senate Rule 12.

The President Pro Tempore ruled that the Point of Order was not well taken.

BILLS ON THIRD READING RESUMED

The Senate proceeded to further consideration of the Bill, S. B. 89.

And said Bill was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

S. 68. To amend Section 1 of Act No. 1024, S. 461, Regular Session 1973, (Acts 1973, p. 1561) which act provides for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges so as to further regulate said salaries or compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 69. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver.

—25

Nays:

—0

The Bill:

S. 70. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 71. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 54. To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

was taken up.

Mr. Little moved that further consideration of the Bill, S. B. 54, be postponed until the Fifteenth Legislative Day.

On motion of Mr. Owen, the motion to postpone was laid on the table.

And said Bill, S. B. 54, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—30

Nay: Mr. Little.

—1

The Bill:

S. 106. To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical commission of the State of Alabama to the Alabama Historical Commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—31

Nays:

—0

The Bill:

H. 20. To name the administration-classroom building at Alabama Aviation and Technical College in Ozark, Alabama, the Henry B. Steagall, II Building.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—30

Nays:

—0

The Bill:

S. 81. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop, Weaver, Wilson.

—31

Nays:

—0

BILL RE-REFERRED

Mr. Littleton moved that the Bill, H. B. 28, be removed from the Standing Committee on Local Legislation No. 1 and re-referred to another committee, which motion was adopted.

And the President Pro Tempore of the Senate ordered said Bill, H. B. 28, re-referred to the Standing Committee on Local Government.

MOTION TO ADJOURN LOST

At 12:15 P.M., Mr. McDonald (S) moved that the Senate adjourn until Thursday, April 17, 1975, at 10 o'clock A.M., which motion was lost.

Yeas 14; Nays 19.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, McDonald (S), Owen, Perloff, Waldrop, Weaver, Wilson.

— 14

Nays:

Messrs. Adams, Bank, Clemon, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

— 19

ADJOURNMENT

At 12:20 P.M., on motion of Mr. Flippo, pending further consideration of S. B. 80, the Senate adjourned until Thursday, April 17, 1975, at 10 o'clock A.M.

Yeas 18; Nays 15.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (S), Owen, Perloff, Powell, Waldrop, Weaver, Wilson.

— 18

Nays:

Messrs. Adams, Clemon, King, Little, McDonald (A), McMillan, Mims, Noonan, Pearson, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

— 15

TENTH LEGISLATIVE DAY

THURSDAY, APRIL 17, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend William Gittner, Pastor, Lutheran Church of Epiphany, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—34

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Roberts for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 20. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and

facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, Sandusky, Biddle, McMillan, McCulley, Cooper, Johnstone, Merrill, Kinsey, McCorquodale and Carothers:

H. 66. To provide that all retirement income or disability pay received by any retired military personnel shall be exempt from all state, county or city income taxes or like taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 66. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 11. To provide that any person in this state at the arrival of the age of eighteen years shall be relieved of their disabilities of minority.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 11. To the Committee on Judiciary.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 49. To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

Also:

S. 77. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Pegues:

H. 196. Relating to counties having a population of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county commission.

Also:

By Mr. Kinsey:

H. 208. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

PARCEL 1: Beginning at the Southwest corner of Lot 67, Unit Six Subdivision, Gulf Shores, Alabama (Map Book 4, Page 199, Baldwin County Probate records), which point is located on the north margin (shore) of the Gulf of Mexico; thence run in a northwesterly direction, along and with the west line of said Lot 67 to its intersection with the South R. O. W. line of Alabama Highway No. 182 (a-k-a West Gulf Shores Boulevard) and continue along an extension of the west line of said Lot 67 across Alabama Highway No. 182 a distance of 100 feet, more or less, to the Southwest corner of Lot 29, Lagoon Estates No. 2 Subdivision, Gulf Shores, Alabama (Map Book 4, Page 149) continue thence along the west line of said Lot 29 to the South margin or shore of Little Lagoon; turn thence to the left and run in a west-southwesterly direction, along and with the south shore of Little Lagoon to a point on said shore which is also the point of intersection of said shore and the West line of Lot "C", Section 29, Township 9 South, Range 3 East, as shown on THE OFFICIAL PLAT OF THE GOVERNMENT SURVEY OF TOWNSHIP 9 SOUTH, RANGE 3 EAST OF ST. STEPHENS MERIDIAN, and which point is also designated on said plat as being on the east side of the "mouth of Little Lagoon," turn thence to the left and run southeastwardly along and with the west line of said Lot "C" to its intersection with the North margin or shore of the Gulf of Mexico; turn thence to the left and run east-northeastwardly along and with the North margin or shore of the Gulf of Mexico to the Southwest corner of said Lot 67, Unit Six Subdivision, which is the point of beginning.

Included in the above description are the following, all of which are shown and identified on THE OFFICIAL PLAT OF THE GOVERNMENTAL SURVEY OF TOWNSHIP 9 SOUTH, RANGE 3 EAST OF ST. STEPHENS MERIDIAN:

Governmental Lot "E", Section 22, T9S, R3E.

Governmental Lots "A" and "B", Section 27, T9S, R3E.

Governmental Lots "A", "B" and "C", Section 28, T9S, R3E.

Governmental Lots "A", "B" and "C", Section 29, T9S, R3E.

Also included in the above description (but being located within one or more of the above Governmental Lots) are the following platted subdivisions:

(1) In BALDWIN BEACH PROPERTIES SUBDIVISION (MB 4, Page 230): Block "A", Lots 1 through 12, Block "B", Lots 1 through 10, Block "C", Lots 1 through 10, Block "D", Lots 1 through 10, Block "E", Lots 1 through 10, Block "F", Lots 1 through 12, Block "G", Lots 1 through 10, Block "H", Lots 1 through 10, Block "I", Lots 1 through 10, Block "J", Lots 1 through 10

(2) In GULF SANDS SUBDIVISION (MB 6, Page 50): Lots 1 through 10

(3) In Silver Sands Subdivision (MB 6, Page 47, re-recorded in MP 6, Page 55): Lots 1 through 10

PARCEL 2: Commence at a point of the North line of Section 8, Township 9 South, Range 4 East where said North line intersects a northerly extension of the West R.O.W. line of West Street, as shown on a plat of WEST CANAL PINES UNIT OF GULF SHORES, BALDWIN COUNTY, ALABAMA (MB 4, Page 126) run thence Southwardly along and with the West R.O.W. line of said street to its intersection with the North R.O.W. line of the Intracoastal Canal, also as shown on said plat; turn thence to the left and run westwardly, and along the North R.O.W. line of the Intracoastal Canal to a point where the East R.O.W. line of Northwest First Street (as shown on said plat) intersects said North R.O.W. of the Intracoastal Canal; turn thence to the right and run northwardly along the East R.O.W. of said Northwest First Street and then along a northerly extension of said East R.O.W. to a point on the North line of said Section 8; turn thence to the left and run westwardly along the North line of said Section 8 (and which is also the South line of Section 5, Township 9 South, Range 4 East) to the Northwest corner of said Section 8 (and which point is also the Southeast corner of Section 6, Township 9 South, Range 4 East), continue thence along the South line of said Section 6 to the Southwest corner of said Section 6; turn thence to the right and run in a northerly direction, and along the west line of said Section 6 to the Northwest corner of the Southwest quarter of said Section 6, turn thence to the right and run eastwardly along the north line of the Southwest quarter of said Section 6, to the Northeast corner of the Southwest quarter of said Section 6 (and which point is also located on the West line of the East one-half of said Section 6), turn thence to the left and run northwardly and along the West line of the East one-half of said Section 6 to the Northwest corner of the East one-half of said Section 6, turn thence to the right and run Eastwardly along the North line of said Section 6 to the Northeast corner of said Section 6 (and which point is also

the Northwest corner of Section 5, Township 9 South, Range 4 East), continue thence eastwardly along the North line of said Section 5 to the Northeast corner of the West one-half of said Section 5, turn thence to the right and run Southwardly along the East line of the West one-half of said Section 5 to the Northwest corner of the Southeast quarter of said Section 5, turn thence to the left and run eastwardly along the North line of the Southeast quarter of said Section to the Southwest corner of the Southeast quarter of the Northeast quarter of said Section 5;

Turn thence to the left and run northwardly along the west line of the Southeast quarter of the Northeast quarter to the Northwest corner of said quarter-quarter, turn thence to the right and run eastwardly along the north line of said Southeast quarter of the Northeast quarter of Section 5 to a point on the East R.O.W. of West Street, as shown on a plat of GULF SHORES ACRE TRACTS SUBDIVISION (MB 4, pages 12 and 13), turn thence to the right and run Southwardly along the East R.O.W. of said West Street to the Northwest corner of Lot 34 of said Gulf Shores Acre Tracts Subdivision, turn thence to the left and run eastwardly along the North line of said Lot 34 to the Northeast corner of said Lot 34, continue eastwardly along an eastward extension of the north line of said Lot 34 to the Northwest corner of Lot 30 of said Gulf Shores Acre Tracts Subdivision, and also continue eastwardly along the north line of said Lot 30 to the Northeast corner of said Lot 30, turn thence to the right and run Southwardly along the east line of said Lot 30 to the Southeast corner of said Lot 30, turn thence to the right and run Westwardly along the South line of said Lot 30 to the Southwest corner of said Lot 30, continue Westwardly along a Westward extension of the South line of said Lot 30 to a point on the East line of said Lot 34 of Gulf Shores Acre Tracts Subdivision, turn thence to the left and run Southwardly along the East line of said Lot 34 to the Southeast corner of said Lot 34, turn thence to the right and run Westwardly along the South line of said Lot 34 to the Southwest corner of said Lot 34 (and which point is also located on the East R.O.W. line of said West Street), turn thence to the left and run Southwardly along the East R.O.W. of said West Street to the Northwest corner of Lot 37 of said Gulf Shores Acre Tracts Subdivision; turn thence to the left and run Eastwardly along the North line of said Lot 37 to the Northeast corner of said Lot 37 (and which point is also on the West R.O.W. of an un-named street, as shown on said plat of Gulf Shores Acre Tracts Subdivision), turn thence to the right and run Southwardly along the West R.O.W. of said un-named street (and also running along the East lines of Lots 37, 38, 39, 40, 41, 42, 43 and 44 of said Gulf Shores Acre Tracts Subdivision) to a point on the South line of said Section 5, turn thence to the right and run Westwardly along the South line of said Section 5 to a point where a Northwardly extension of the West R.O.W. line of West Street (as shown on a plat of said West Canal Pines Subdivision) intersects the South line of said Section 5 (and which is also the North line of said Section 8, Township 9 South, Range 4 East) which is the POINT OF BEGINNING.

Included in the above description are the following parcels of property showing on subdivision plats of record in the Baldwin County Probate Office:

In WEST CANAL PINES SUBDIVISION (MB 4, Page 126): All of Block 1.

In GULF SHORES ACRE TRACTS SUBDIVISION (MB 4, Page 12 and 13): All of Lots 30, 34, 37, 38, 39, 40, 41, 42, 43 and 44.

Section 2: That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a "law."

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY

Spencer Longshore III, being duly sworn, deposes and says that he is the Editor of The Onlooker, a weekly newspaper published at Foley, Baldwin County, Alabama, that the notice hereto attached of Boundary Line, Gulf Shores, was published in said newspaper for four consecutive weeks in the following issues: February 24, March 3, March 10, March 20, 1975.

SPENCER LONGSHORE, III.

Subscribed and sworn before the undersigned this 7th day of April, 1975.

MARY A. DAVIS,
Notary Public.

Also:

By Mr. Smith (M):

H. 193. Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 196, 208 and 193. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 45. Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, Morris, Pegues, Merrill, Crowe, Biddle, Waggoner, Boles, McNair, McCorquodale, Robertson, Owens, Hines, Harris, Cates, Kinsey, Holmes, Leonard and Smith (M):

H. 108. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such person; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Also:

By Messrs. Smith (M), Mitchem, Manley, Warren, Johnstone, Campbell, Lockett and Owens:

H. 17. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 108 and 17. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Owens:

H. 211. Relating to Bibb County, to further amend Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43), which Act levies certain sales and use taxes in Bibb County, so as to increase said sales and use taxes and to allocate the revenue generated from such taxes equally between the county hospital board and the county board of education.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE
A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County, to further amend Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43), which act levies certain sales and use taxes in Bibb County, so as to increase said sales and use taxes and to allocate the revenue generated from such taxes equally between the county hospital board and the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be as follows:

"(a) Upon every person, firm or corporation (including The Board of Trustees of the University of Alabama, The Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to two per cent (2) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in the business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

"(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places where an admission fee is

charged, public dance halls of every kind and description within Bibb County, an amount equal to two per cent (2) of the gross receipt of any such business;

“(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one percent (1) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

“(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one percent (1) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.”

Section 2. Section 3 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

“Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personality. An excise is hereby imposed on

“(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of two per cent (2) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

“(b) The storage, use or other consumption in Bibb County of any machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one per cent (1) of the sales price of such machine, parts, attachments, or replacements; and

“(c) The storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one per cent (1) of the sales price of such automotive vehicle truck trailer or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a

new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"Provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax such receipt may refer."

Section 3. Section 10 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 10. Disposition of Revenues from Taxes herein Levied. The State Department of Revenue shall make an annual charge to Bibb County for collection of taxes herein levied, such charge for each fiscal year to be an amount bearing the same relation, and standing in the same ratio, to the total amount of the taxes collected hereunder that the total cost during the same fiscal year of collecting the State Sales Tax and the State Use Tax bears to the total amount of the State Sales Tax and the State Use Tax collected during that fiscal year; and the said annual charge for each fiscal year shall be retained by the State Department of Revenue out of the taxes collected hereunder during September of the same fiscal year. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this act, as such taxes are received by the Commissioner; and on or before the first day of each successive month (commencing with the month following the month in which the Commissioner makes the first collections hereunder), the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Bibb County during the month immediately preceding the making of such certificate; provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Bibb County during each September, the Commissioner shall deduct from the taxes collected in said month the aforesaid annual charge of the department for that fiscal year. It shall be the duty of the Comptroller each month to issue his warrants on the State Treasurer, in the amount so certified by the Commissioner of Revenue as having been collected under this act and paid during the then preceding month into the state treasury, certified by the Commissioner of Revenue as having been collected under this act and paid during the then preceding month into the state treasury, and payable as follows: Fifty per cent (50) of the amount so certified by the Commissioner of Revenue as having been collected under this act and paid into the state treasury during the then preceding month shall be paid, and is hereby appropriated, to the Bibb County hospital board, a public corporation organized in Bibb County under Act No. 46 adopted at the 1949 Regular Session of the Legislature, and the said Board shall be charged with the responsibility of administering the funds herein allocated. The funds received by the hospital board shall be used for the operation and maintenance of the Bibb

County Hospital and Nursing Home and for the maintenance and function of the county health department and the county emergency medical services, and shall be administered in such proportion as the county hospital board deems necessary. The remaining fifty per cent (50) of the amount so certified by the Commissioner is hereby appropriated for the school purposes hereinafter specified and shall be paid to the custodian of the public school funds of Bibb County. The fifty percent of the said revenues required to be paid to the custodian of county school funds of Bibb County shall be used for constructing, equipping, maintaining, operating and repairing the public schools of Bibb County and for the purchase and maintenance of school buses, and shall be administered in such proportions as the County Board of Education deems necessary.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 3-13-75, 3-20-75, 3-27-75, and 4-3-75, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me April 3rd, 1975.

FRANCES N. BAKER,
Notary Public.

Also:

By Mr. McNees:

H. 169. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 170. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 171. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 172. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 173. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 174. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 185. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

Also:

By Mr. McNees:

H. 186. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

Also:

By Messrs. Callahan, Sandusky, Cooper and McCulley:

H. 68. To exempt the Mobile Rescue Mission, Incorporated, and The Children's Home, Inc., of Huntsville, and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain conditions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 211, 169, 170, 171, 172, 173, 174, 185 and 186. To the Committee on Local Legislation No. 1.

H. B. 68. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Dial:

H. 222. To provide for the maintenance of rights-of-way in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census.

Also:

By Messrs. Starkey and Lutz:

H. 218. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF JACKSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman of the Board of Revenue of Jackson County may be paid a monthly allowance of not more than \$100 for each month remaining of the current term of said chairman, as an expense allowance to compensate him for his travel and other incidental expenses in and about the performance of his duties. This allowance shall be paid monthly out of the general fund in the same manner that present allowances are paid and shall be in addition to all other amounts now paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this Act shall become null and void and of no further effect at the end of the current term of the chairman of the Board of Revenue.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karen Haggard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was bookkeeper of the Jackson County Advertiser, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 3-6, 3-13, 3-20, and 3-27, all in the year 1975.

KAREN HAGGARD.

Sworn to and subscribed before me March 30th, 1975.

JERRY J. GENTLE,
Notary Public.

Also:

By Messrs. Hines and Warren:

H. 214. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Circuit Court serving Escambia County is hereby authorized and empowered to appoint a secretary, who shall serve at the pleasure of the District Attorney and shall perform such duties as the District Attorney may direct, and who may be removed from office at any time by the said District Attorney. The salary of such secretary shall be fixed by the District Attorney at the sum of not less than \$350.00 and not more than \$450.00 per month. The salary of said secretary may be raised above \$450.00 per month from time to time with approval of the District Attorney and county governing body. Such salary shall be paid out of the county treasury of said county as the salaries of other county officers and employees are paid.

Section 2. Any such secretary of the said District Attorney is hereby empowered, when so directed by the District Attorney, to attend the grand juries of said county; to prepare indictments, and documents arising therefrom; to transcribe witnesses' testimony heard by said grand jury in said county and to administer oaths in connection therewith or in any other investigations being conducted by the said District Attorney's office.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the month beginning after the passage and approval of this act by the Governor or its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA
ESCAMBIA COUNTY

I, Tom Gardner, owner and publisher of The Brewton Standard, hereby certify that the attached notice is a true and correct copy of notice published in said Brewton Standard 1 a week for 4 consecutive weeks, namely in the issues of March 13, March 20, March 27, and April 3, 1975.

I further certify that the said Brewton Standard is a newspaper printed in the English language in Escambia County, Alabama; that said

newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Brewton, Alabama, where it is published, for more than 52 consecutive weeks.

TOM GARDNER.

Subscribed and sworn to before me this 3rd day of April, 1975.

ALICE SUMMERVILLE,
Notary Public.

Also:

By Mr. Warren:

H. 212. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CONECUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh county, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Conecuh County Board of Education shall be entitled, upon presentation of written receipts therefor, to reimbursement for all actual expenses incurred by said members by reason of their attendance at any authorized conference or meeting which is held outside of Conecuh County. This expense allowance shall be in addition to any existing allowance provided for such members, and shall be payable from any funds which are available to the Conecuh County Board of Education for such purposes.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 20, Feb. 27, March 6, and March 13, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me 4th April, 1975.

HAROLD ADAMS,
Notary Public.

Also:

By Messrs. Crowe and Sparks:

H. 209. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 222, 218, 214, 212 and 209. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 33. To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 42. COMMENDING DR. JOHN G. MILLIGAN FOR HIS TREMENDOUS CONTRIBUTIONS TO THE FIELD OF VETERINARY MEDICINE AND CONGRATULATING HIM ON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 40. CREATING AN ATHENS COLLEGE LEGISLATIVE ON-SITE EVALUATION COMMITTEE TO STUDY THE PROPOSAL THAT ATHENS COLLEGE BE ACCEPTED BY THE STATE BOARD OF EDUCATION.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 25. MOURNING THE DEATH OF MRS. CECIL DRAKE MOREMAN OF OPELIKA.

Also:

S. J. R. 31. COMMENDING FAYETTE'S "MAN OF THE YEAR", GEORGE BOLLING.

Also:

S. J. R. 41. COMMENDING COACH JAMES RALPH "SHUG" JORDAN ON HIS ILLUSTRIOUS COACHING CAREER AND WISHING HIM A HAPPY FUTURE RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 20. To name the administration-classroom building at Alabama Aviation and Technical College in Ozark, Alabama, the Henry B. Steagall, II Building.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 62. Congratulating Alabama A & M University on Its Centennial Year.

Also:

H. J. R. 65. Commending Rep. Gary Cooper on His Recent Promotion to Lt. Colonel in the U. S. Marine Corps Reserve.

Also:

H. J. R. 66. COMMEMORATING THE TOWN OF GUIN AND HER EFFORTS TO REBUILD FROM THE TORNADO THAT STRUCK A YEAR AGO TODAY.

Also:

H. J. R. 77. Welcoming Exchange Students from Barranquilla, Colombia.

Also:

H. J. R. 79. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA BASEBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 34. To provide expenses for two members of the Committee on Health to attend the National Conference on Health Planning.

On motion of Mr. Bank, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 70. Commending Coach James Ralph "Shug" Jordan on his illustrious coaching career and wishing him a happy future retirement.

On motion of Mr. Little, said Resolution was then concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stewart:

S. 88. To name the Rehabilitation Building located at 1105 Woodstock Avenue, Anniston, Alabama, the "George M. Hudson Building."

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (M), et al:

H. 157. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 102. To transfer Richmond Pearson Hobson Memorial Home, a property on the National Register of Historic Places, owned by the Richmond Pearson Hobson Memorial Board of the State of Alabama to the Alabama Historical Commission.

By Messrs. Ellis, Vacca and Wilson:

S. 104. To amend Title 8, Section 60, Code of Alabama 1940, as amended, so as to include the rainbow trout as a designated game fish.

By Messrs. Turnham and McCorquodale:

H. 54. To designate the wild turkey as the official state game bird for the State of Alabama.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bank, Mims and Shelby:

S. 41. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (A) and McMillan (With Substitute):

S. 87. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, McDonald (A), Stewart and Baker (With Amendment):

S. 93. To amend the power of the State Board of Medical Examiners over the granting of certificates of qualification to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualification; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, McDonald (A), Stewart and Baker:

S. 94. To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties."

Mr. Flippo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session,

had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill, et al:

H. 7. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

By Mr. Crowe, et al:

H. 15. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

By Mr. Owens, et al:

H. 70. To limit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

By Mr. Manley, et al:

H. 3. To require any utility or telephone company that is required to obtain a certificate of convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction of any new facility to first obtain such certificate before instituting condemnation proceedings before the Probate or other courts of the state to condemn the land on which such new facility would be located; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

By Mr. Manley, et al:

H. 4. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48,

Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

By Mr. Cooper, et al:

H. 77. To create the office and position and prescribe the duties and powers of a consumers' utility counsel; to provide for the appointment and employment of the personnel of such office; to make and provide for appropriations for the administration of such office; to authorize such office to receive any funding available under Federal grants and from other sources for the administration of such office; to provide for the liberal construction and application of this act; to repeal all laws or parts of laws in conflict herewith, and to provide for the effective date hereof.

By Mr. Morris, et al:

H. 30. To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

By Mr. Morris, et al:

H. 31. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

By Mr. Smith (M), et al:

H. 16. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith (C), Moore (O) and Waggoner:

H. 82. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 109. To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

By Mr. Jones:

S. 114. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

By Mr. McDonald (S):

S. 115. Relating to all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to authorize the governing bodies of said counties to increase salaries of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

By Messrs. Manley and Pegues (with notice and proof):

H. 5. Authorizing the county commission of Marengo County to pay the sheriff of Marengo County a monthly expense allowance of two hundred fifty dollars (\$250.00).

By Mr. Folmar:

H. 43. Relating to counties having populations not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 49. To amend Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds"; so as to further regulate the salary of the county superintendent of education.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 50. Relating to Limestone County; providing further for the compensation of election officials.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 51. Relating to Limestone County; to provide further for the compensation for the members of the jury commission.

By Mr. Dial:

H. 52. To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit.

By Messrs. Campbell and Manley (with notice and proof):

H. 72. To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

By Messrs. Lee and Robertson:

H. 99. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

By Messrs. Carothers and Smith (J) (with notice and proof):

H. 105. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to redesignate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

By Mr. Rich:

H. 110. Relating to counties having a population of not less than 15,400 nor more than 15,625 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

By Messrs. Coburn and Goodwin:

H. 113. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

By Messrs. Coburn and Goodwin:

H. 114. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

By Messrs. Coburn and Goodwin:

H. 115. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the LaGrange Historical Commission, by members of the legislative delegation representing the County.

By Messrs. Coburn and Goodwin:

H. 116. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

By Messrs. Carter and Moore (W):

H. 118. To amend Act No. 527, H. 1330, Regular Session 1973 (Acts 1973, p. 768), entitled, "An Act Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize the county commission of such counties to expend county funds for certain public recreation programs for minors up to 19 years of age," so as to provide further for such programs in such counties.

By Messrs. Smith (M) and Turnham:

H. 135. To authorize and empower the Library Board of any county with a population of not less than 35,000 nor more than 38,000 inhabitants to name the library building and the archives building located in any such county for any person whether living or deceased even though state funds may be used to finance the building, wholly or in part.

By Messrs. Manley, Campbell and Clark:

H. 150. To provide an additional expense allowance to the judge of the 17th judicial circuit.

By Messrs. Manley and Pegues (with notice and proof):

H. 151. Relating to Marengo County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

By Mr. Weeks:

H. 160. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

By Mr. Weeks:

H. 161. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

By Mr. Weeks:

H. 162. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

By Mr. Pegues (with notice and proof):

H. 177. Relating to Perry County; providing for the opening, construction, repair, and maintenance of certain drives and roadways by the county.

By Mr. Pegues (with notice and proof):

H. 178. Authorizing the county commission of Perry County to provide for not more than two additional clerks to assist the probate judge of Perry County in the performance of his duties.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 47. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the 10th Legislative Day only:

Uncontested local Bills.

Bill No.	Page
H. B. 25	5
H. B. 27	6
H. B. 39	3
H. B. 40	3
S. B. 82	4
S. B. 23	3
S. B. 39	2
S. B. 56	2

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

Messrs. Fine, Jones, Bank, Adams, Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. PROCLAIMING SATURDAY, APRIL 26, 1975, AS GEORGE "GOOBER" LINDSEY DAY.

WHEREAS, George "Goober" Lindsey has gained worldwide fame as an actor and recording artist; and

WHEREAS, George "Goober" Lindsey is a native of Jasper who attended Florence State University on a football scholarship and was a classroom teacher at Hazel Green High School in Huntsville; and

WHEREAS, George "Goober" Lindsey served three years in the U. S. Air Force during which time his talents as an entertainer were recognized when he was named runner-up in a worldwide Air Force Talent Contest; and

WHEREAS, following his television debut on the "The Jack Paar Show," he quickly rose to fame as "Goober" on the "Andy Griffith Show" and "Mayberry RFD" and then made guest appearances on more than 50 television programs including such notables as "Gunsmoke," "The Glen Campbell Hour," and "Alfred Hitchcock Presents"; and

WHEREAS, he is now in his third season as a regular on the syndicated series, "Hee Haw"; and

WHEREAS, George "Goober" Lindsey's contributions to the world of entertainment have indeed been colossal, the success of his campaign to promote special children's olympics has been even greater; and

WHEREAS, thousands of parents and children in this country will remember George "Goober" Lindsey not only as a great entertainer but also as a great humanitarian; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby proclaim Saturday, April 26, 1975, as George "Goober" Lindsey Day in this state and strongly urge all Alabamians to attend George "Goober" Lindsey's Celebrity Stars Show that night at Garrett Coliseum.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 45. Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. Givhan offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. NAMING STATE HIGHWAY 183 IN PERRY COUNTY THE "J. C. GRIFFIN HIGHWAY"

WHEREAS J. C. Griffin contributed immeasurably to the enrichment of our social, cultural and economic lives and was a devoted community builder who served his people with great love and dedication; and

WHEREAS J. C. Griffin was a true southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS J. C. Griffin was one of the early leaders in working for good roads in Perry County; and

WHEREAS he worked particularly hard for securing a good road from Sprott to Maplesville which is now State Highway 183; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That State Highway 183 in Perry County be and the same hereby is designated as the "J. C. Griffin Highway."

BE IT FURTHER RESOLVED That the State Highway Department is hereby directed to so mark and designate said highway by appropriate signs.

On motion of Mr. Givhan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. King, St. John, Torbert, Perry, Pearson, Ellis, Flippo, Littleton, Mitchell, Stewart, McDonald (A) and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. TO PROVIDE FOR THREE CONFERENCES TO BE ATTENDED BY MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE SENATE, MEMBERS OF THE ALABAMA CONSTITUTIONAL COMMISSION AND OTHER DESIGNATED LEGISLATORS.

WHEREAS, the Alabama Constitutional Commission was created by Act No. 753, approved September 12, 1969, (Acts 1969-70, Vol. II, p. 1330) and continued by Act No. 95, approved May 11, 1971 (Acts 1971, Vol. I, p. 165); and

WHEREAS, the Alabama Constitutional Commission made its final report to Governor George C. Wallace and to the Legislature on May 1, 1973; and

WHEREAS, it is desirable for certain members of the Legislature of Alabama to have an opportunity to meet with the Alabama Constitutional Commission to gain knowledge of the final report of the Commission.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the House Committee on Constitution and Elections, the members of the Senate Commission on Constitution and Elections, the Chairman of the House Judicial Committee, the Chairman of the Senate Judicial Committee, three additional members of the House of Representatives to be designated by the Speaker of the House and three additional members of the Senate to be designated by the President of the

Senate be authorized to attend a joint conference with the Alabama Constitutional Commission on three, three day, week ends, the time and place of each such conference to be determined by the Chairman of the Constitution and Elections Committee of each house. Members of the Legislature in attendance shall be entitled to be reimbursed for reasonable travel and living expenses while in attendance at each conference.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

SENSE OF THE SENATE

Mr. Fine moved that the Sense of the Senate be requested relative to the action taken on April 16, 1975, by the State Board of Education concerning Dr. LeRoy Brown, State Superintendent of Education.

On motion of Mr. St. John, the motion of Mr. Fine was laid on the table.

Yeas 20; Nays 10.

Yeas:

Messrs. Adams, Bank, Edwards, Gilmore, Givhan, King, Little, McDonald (S), McMillan, Noonan, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Waldrop, Weaver, Wilson.

—20

Nays:

Messrs. Ellis, Fine, Flippo, Foshee, Jones, Littleton, Mims, Mitchell, Owen, Vacca.

—10

RESOLUTION

Messrs. McDonald (S), Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson and Lieutenant Governor Beasley offered the following Senate Resolution, to-wit:

S. R. 51. BE IT RESOLVED BY THE SENATE That Dr. LeRoy Brown be commended for his splendid service to public education in Alabama and that he is held in great regard by this body for his many and unselfish contributions to education in Alabama.

On motion of Mr. McDonald (S), the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Porter, Jackson (R), McNair, Hilliard, Harrison and Howard:

H. J. R. 68. COMMENDING THE USHERS CLUB OF RAMSEY HIGH SCHOOL FOR THEIR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Messrs. Clark, Robertson and Lee:

H. J. R. 71. COMMENDING ALICEVILLE'S "OUTSTANDING CITIZEN", DAN DRESCHER.

Also:

By Messrs. Robertson and Andrews:

H. J. R. 72. COMMENDING MR. RICHARD (DICKEY) WHITAKER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 68, 71 and 72, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill, Kinsey and Folmar:

H. J. R. 80. WELCOMING CARL BUCHANAN AND LARRY HUMPHREY FROM THE ALABAMA INDUSTRIAL TRAINING SCHOOL AT MT. MEIGS WHO WILL SERVE THIS WEEK AS PAGES IN THE LEGISLATURE.

WHEREAS, Carl Buchanan and Larry Humphrey have distinguished themselves by having maintained outstanding academic and vocational training records at the Alabama Industrial Training School at Mt. Meigs; and

WHEREAS, it has long been recognized as a coveted honor for a young man to be selected to serve as a page within the historic halls of this legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate these young men for their outstanding academic and vocational training records and hereby welcome their services as pages during this week's sessions of the legislature.

RESOLVED FURTHER, That a copy of this resolution be presented to Carl Buchanan and Larry Humphrey and a copy be sent to the Alabama Industrial School at Mt. Meigs.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Foshee, the Rules were suspended and the Resolution, H. J. R. 80, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. CONGRATULATING JOHN S. BOWMAN ON BEING UNANIMOUSLY ELECTED AS PRESIDENT OF THE MONTGOMERY COUNTY CHAPTER OF THE UNIVERSITY OF ALABAMA ALUMNI ASSOCIATION.

WHEREAS, the Honorable John S. Bowman, one of the outstanding attorneys of the Montgomery Bar, was elevated to the position of President of the Montgomery County Chapter of the University of Alabama Alumni Association by the unanimous acclamation of his fellow alumni; and

WHEREAS, this is an honor well deserved, Mr. Bowman having received his B. S. degree in 1958 and his L. L. B. in 1960 from the University of Alabama and while there he was a member of Omicron Delta Kappa, an honorary fraternity, was selected to be included in Who's Who Among Students in American Colleges and Universities and was a leader in his social fraternity; and

WHEREAS, while practicing law in Montgomery, Alabama, where he is a member of the Montgomery County, the Alabama and the American Bar Association, he was elected Vice-President of the Montgomery Jaycees, was chosen as a member of the Board of Directors of the Family Guidance Center, is a member of the official board of the First United Methodist Church of Montgomery, is a YMCA football commissioner and has given generously of his time and service to many civic endeavors and projects of his native city and county; and

WHEREAS, Mr. Bowman is married to the former Carolyn Lawley of Tuscaloosa and they have two fine children, viz: John, Jr. and Mildred Lawley; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do heartily congratulate Mr. John S. Bowman on his elevation to the Presidency of the Montgomery County Chapter of the University of Alabama Alumni Association and to commend him for his many services to his fellowman.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Bowman and to the University of Alabama "Alumni News".

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. MOURNING THE DEATH OF JUDGE ISAAC JOHNSON OF DANVILLE, ALABAMA.

WHEREAS, the Alabama legislature has noted with a sense of deep regret the passing of Judge Isaac Johnson of Danville, Alabama; and

WHEREAS, Judge Johnson served four terms as Probate Judge of Lawrence County from 1941 to 1965 and was said county's only supernumerary probate judge; and

WHEREAS, Judge Johnson was a devoted community builder who served his people with great love and dedication; and

WHEREAS, Judge Johnson was a prominent and influential leader in the civic, social and religious life of his community. He was a diligent and devoted member of the Methodist Church, having served on the Board of Stewards of said church; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Judge Isaac Johnson and express our deep and sincere sympathy to his widow, Mrs. Pauline Johnson, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 63. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Also:

S. 101. Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 43. EXTENDING BIRTHDAY GREETINGS TO MR. "VESSIE" BRIDGES OF CARROLLTON UPON THE CELEBRATION OF HIS 100th BIRTHDAY ON APRIL 9, 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Burgess, Quarles and Shelton:

H. 230. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Also:

By Mr. McNees:

H. 207. To provide an additional expense allowance for the County Commissioners of all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

Also:

By Messrs. Waggoner and Armstrong:

H. 142. To provide that when any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal census has under consideration the acquisition of land by eminent domain, the county may cause such examinations for surveys of such land to be made as will assist the county in selecting the land best suited to the contemplated use of the land by the county; and to provide that for such purpose the county may by its officers, agents and employees enter upon the lands and waters of any person, but subject to liability for all damages done thereto.

Also:

By Mr. Moore (O):

H. 221. To empower the county commission of all counties having a population greater than 600,000 inhabitants according to the most recent federal decennial census to authorize any local bank located within such counties to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Also:

By Messrs. Merrill, Burgess, Quarles and Shelton:

H. 229. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education

and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 230, 207, and 229. To the Committee on Local Legislation No. 1.

H. B.'s 142 and 221. To the Committee on Local Legislation No. 2.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 33. To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill, Greer, McCluskey, Dial, Teague, Barron and Turnham.

H. J. R. 99. RENAMING CERTAIN HIGHWAYS

WHEREAS, Alabama is one of the most heritage-rich states in the United States of America with a wealth and abundance of assets of architecture, archaeology and history; and

WHEREAS, our nation is moving into the American Bicentennial Celebration commemorating the 200th anniversary of the founding of our nation in 1776; and

WHEREAS, many of Alabama's historic structures, architectural landmarks and archaeological evidences are located on or near U. S. Highways and major State roads; and

WHEREAS, the Alabama Legislature is making every effort to ensure the maximum tourist usage of our traditional U.S. and State Highways, as well as our excellent Interstate thoroughfares; and

WHEREAS, millions of Americans now beginning an accelerated heritage hunt will contribute more to the economy of all Alabama as these visitors take additional time to explore the historic and scenic resources found along, or near our traditional highways; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the following traditional highways be re-named:

1. U.S. Highway 80 (Mississippi line to the Georgia border) BLACK BELT TRAIL

2. U.S. Highway 43 (Mobile line to the Tennessee border) PLANTATION DRIVE

3. U.S. Highway 231 (Tennessee line to the Florida line) HERITAGE HIGHWAY (Portion named Troy State University Highway designation to be retained) (Portion from Eastern Bypass intersection in Montgomery to County 29 (Elmore) intersection also to be designated FORT TOULOUSE PARKWAY)

4. U.S. Highway 82 (Eufaula to the Mississippi border) ANTE-BELLUM AVENUE

5. U.S. Highway 72 (Tennessee line to Scottsboro) HERNANDO DE SOTO DRIVE

6. U.S. Highway 72 (Scottsboro to Athens) SPACE SCIENCE HIGHWAY

7. U.S. Highway 72 (Athens to the Mississippi border) HELEN KELLER DRIVE

8. U.S. Highway 31 (Tennessee line to the Mobile border) GEORGE C. WALLACE HIGHWAY

9. U.S. Highway 431 (Dothan to the Tennessee border) BICENTENNIAL BOULEVARD

10. U.S. Highway 84 (Evergreen line to the Dothan Border) WIREGRASS WAY

11. U.S. Highway 98 (Baldwin County) HISTORIC BALDWIN HIGHWAY

12. U.S. Highway 98 (Mobile County) FORT CONDE HIGHWAY

13. U.S. Highway 90 (Baldwin County) BLAKELEY-FORT ROAD

14. U.S. Highway 90 (Mobile County, west of the City of Mobile) BATTLESHIP ALABAMA HIGHWAY.

BE IT FURTHER RESOLVED That the Highway Department mark said highways with appropriate signs.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 99, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business for the day, which was the Bill:

S. 80. Relating to education; To remove the professional employees at the Director level of the Department of Education from the provisions of the merit system and repeal laws in conflict therewith.

and pending Committee substitute and Fine amendment, both of which are set out in the Journal of the Senate for the Ninth Legislative Day.

On motion of Mr. McDonald (S), further consideration of said Bill, S. B. 80, and pending amendments, was postponed until the next Legislative Day.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for the day, the first of which was the Bill:

S. 107. To amend the title and Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon, etc., so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

Mr. Perloff offered the following amendment to the Bill, S. B. 107, to-wit:

AMENDMENT TO S. B. 107

In Section 2 on page 2 at line 36 delete the word Mobile.

Delete the entire subsection (b) of Section 2 where it appears on page 3 and insert in lieu thereof the following; viz:

(b) The County Law Enforcement and Firefighters Pension Fund is hereby established in all counties which maintain a county Racing Commission under the provisions of this Act. Such Funds are created for the purpose of receiving, investing, and distributing the monies appropriated to said funds in subsection (a) of this section. The monies of

this fund shall only be distributed to law enforcement officers and firefighters who are retired and receiving benefits under any of the respective municipal or county retirement systems. As used in this section the term "law enforcement officer" or the term "firefighter" means any full-time employee of a law enforcement or firefighting agency of the county or a municipality therein. The fund shall be administered by a five (5) member board of trustees who shall be required to give bond in the amount of \$100,000; the cost of such bonds shall be paid for by the fund; one (1) trustee shall be elected by the police chiefs of the municipalities, the trustee so elected shall serve a term of two (2) years and shall be eligible to receive benefits under this Act upon retirement; one (1) trustee shall be elected by the fire chiefs of the municipalities, the trustee so elected shall serve a term of (2) years and shall be eligible to receive benefits under this Act upon retirement; one (1) trustee shall be chosen by the sheriff of the county, the trustee so chosen shall serve a term of four (4) years and shall be eligible to receive benefits under this Act upon retirement; two (2) trustees shall be elected by the previously elected three (3) trustees, the trustees so appointed shall serve a term of six (6) years and may or may not be eligible for benefits under this Act upon retirement. After the election of the initial trustees the term of all trustees shall be six (6) years. Any vacancy which might occur shall be filled for the remaining period of the term in the same manner as the original position was filled. Nothing in this Act shall be construed so as to keep an individual who serves as both police chief and fire chief from voting on both trustees to be elected by each such respective officer. The Board shall meet at least once each month and shall be paid fifty dollars (\$50.00) for each day they meet; however, they shall not be paid for more than two (2) meetings in any one month. The salary herein provided shall be paid out of the fund. The board of Trustees shall have the authority to hire actuaries for the purpose of determining the amount of money which may be paid out to each individual entitled to receive benefits under the provisions of this Act, while retaining an actuarially sound base for future benefits. For the purpose of accumulating monies so as to facilitate the purpose of this subsection there shall be no benefits paid out of this fund for the first five years of its existence. Persons who retired before the year 1973 shall not be eligible for any benefits provided by this Act.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Powell, Shelby, Torbert, Vacca, Weaver, Wilson.

—25

Nays:

—0

And said Bill, S. B. 107, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Powell, Shelby, Torbert, Vacca, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 112. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census: authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 113. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 34. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended:

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 47. To provide for, and regulate, the office of Register of the Circuit Court in every county of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a county office subject to any civil service law applying to employees of the county; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 94. To amend Section 3.04 of Act No. 452, H. 974, 1955 Regular Session (Acts of 1955, p. 1004), as amended, which provides for a form of municipal government known as mayor-council form of government for cities having a population in excess of 300,000 inhabitants; so as to reduce the required age for city councilmen from 25 to 21 years of age.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen,

Pearson, Perloff, St. John, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 143. To provide further for the division of duties among the county commissioners in all counties having populations greater than 600,000 according to the most recent federal decennial census and having a county commission composed of three members whose duties are divided among three departments so as to provide for the supervision and operation of farms by any such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Foshee, Gilmore, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 144. To provide that in any county having a population of 500,000 or more according to the last or any subsequent federal census the governing body of the county shall appoint and may remove the Chairman of the Board of Registrars, subject, however, to the provisions of the merit system of the county; to provide the compensation which shall be payable to such Chairman by such county; to provide that the Chairman shall pay to the county any compensation he or she receives from the State of Alabama; to provide for the duties and authority of such Chairman; to provide when and where the Board of Registrars shall meet; and to repeal all laws or parts of laws inconsistent with this Act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 144, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 144

Amend Section 4 of H. B. 144 by deleting the word "may" and substituting therefor the word "shall".

Also:

Amend Section 6 of H. B. 144 by deleting the words "four weeks" and substituting therefor the words "two weeks".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, St. John, Shelby, Stewart, Vacca, Weaver, Wilson.

—25

Nays:

—0

And said Bill, H. B. 144, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, St. John, Shelby, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

BILL RECONSIDERED

On motion of Mr. Ellis, the Senate reconsidered the vote by which the Bill, H. B. 144, as amended, was passed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 27. Relating to insurance so as to require inclusion in all individual and group health insurance policies providing coverage on an expense incurred basis and in all individual and group service or indemnity type contracts issued by a nonprofit corporation which provides coverage for a family member of the insured or subscriber of coverage of injury or sickness of newly born children; to define terms; to provide for all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Weaver, Wilson.

—30

Nays:

—0

FURTHER CONSIDERATION OF H. B. 144

On motion of Mr. Pearson, the Senate reconsidered the vote by which the Bill, H. B. 144, as amended, was ordered to its third reading.

Mr. Pearson then offered the following amendment to the Bill, H. B. 144, as amended, to-wit:

AMENDMENT TO H. B. 144, AS AMENDED

Further amend Section 6 of H. B. 144, as amended, by inserting the following words at the end of the first sentence:

"Any person who registers less than four weeks, but more than two weeks, immediately preceding any regular or special municipal, county, state or federal primary or general election shall be placed on a supplemental list of voters and said supplemental list shall be delivered to the polling places prior to the election."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—25

Nays:

—0

And said Bill, H. B. 144, as thus amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 39. Relating to the operation of vehicles in this state; amending further Code of Alabama 1940, Title 36, Sections 2 and 3, so as to provide that the driving of a vehicle of any kind by a person under the influence of any narcotic or drug or by an intoxicated person or the driving thereof recklessly on a public highway or road, or at any other place to which the public generally is invited shall be offenses proscribed by such sections.

was taken up.

Mr. Perloff moved that further consideration of the Bill, H. B. 39, be postponed until the next Legislative Day. Mr. McMillan moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 14; Nays 15.

Yeas:

Messrs. Gilmore, Givhan, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Pearson, Perry, Vacca, Waldrop, Weaver, Wilson.

— 14

Nays:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, King, Littleton, Owen, Perloff, Powell, St. John, Shelby, Stewart.

— 15

MOTION TO ADJOURN LOST

At 12:10 P.M., Mr. Perloff moved that the Senate adjourn until Tuesday, April 22, 1975, at 10 o'clock A.M., which motion was lost.

Yeas 15; Nays 16.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, King, Littleton, Owen, Perloff, St. John, Weaver, Wilson.

— 15

Nays:

Messrs. Bank, Clemon, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Shelby, Vacca, Waldrop.

— 16

FURTHER CONSIDERATION OF H. B. 39

The Senate proceeded to further consideration of the Bill, H. B. 39.

The question was on the motion of Mr. Perloff that further consideration of the Bill be postponed until the next Legislative Day, which resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Givhan, King, Littleton, Noonan, Owen, Pearson, Perloff, St. John, Shelby.

— 15

Nays:

Messrs. Clemon, Flipppo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Perry, Powell, Vacca, Waldrop, Weaver, Wilson.

— 15

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to postpone was lost.

And said Bill, H. B. 39, was read a third time at length and passed.

Yeas 24; Nays 8.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, St. John, Vacca, Waldrop, Weaver, Wilson.

—24

Nays:

Messrs. Adams, Baker, Foshee, Littleton, Owen, Perloff, Shelby, Stewart.

—8

BILLS ON THIRD READING RESUMED

The Bill:

H. 40. To amend Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts of Alabama, p. 508), as last amended, so as to provide deductions from sentences of less than six months and over thirty days.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 40, to-wit:

COMMITTEE AMENDMENT TO H. B. 40

Amend H. B. 40 by deleting the following words in the second sentence of Section 1 "Upon a sentence of less than thirty days, not more than five days;"

and in lieu thereof place the following:

Upon a sentence of not less than seven days nor more than thirty days, one day for each five days of sentence;

Also in the second sentence of Section 1 following the words "nor more than six months," delete the word "six" and in lieu thereof place the word: seven

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—32

Nays:

—0

Mr. Little offered the following amendment to the Bill, H. B. 40, as amended, to-wit:

AMENDMENT TO H. B. 40, AS AMENDED

Amend H. B. 40, as amended, page 1, by inserting at the end of amended Section 1 the following new sentence:

The provisions of this Act shall be administered by the chief administrative officer of the penal institution as it applies to prisoners in any state penal institution, by the sheriff of the county as it applies to prisoners in any county jail, and by the chief of police as it applies to prisoners in any municipal jail.

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—32

Nays:

—0

Mr. Little then offered the following amendment to the Bill, H. B. 40, as amended, to-wit:

AMENDMENT TO H. B. 40, AS AMENDED

Amend H. B. 40, as amended, page 1, by inserting in the fifth line of the amended Section 1 after the word "county" the words

, or in any municipal jail,

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—32

Nays:

—0

And said Bill, H. B. 40, as thus amended, was then read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—34

Nays:

—0

The Bill:

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

was taken up.

Mr. Clemon offered the following amendment to the Bill, H. B. 25, to-wit:

AMENDMENT TO H. B. 25

Amend House Bill No. 25, Page 2, Line 22, by striking out all words after the word "examination;" by further striking out all words in lines 23-26, p. 2; and by further striking out the first two words of line 27, p. 2; and by substituting therefor the following:

"the applicant shall not be precluded from taking the examination on subsequent occasions; provided however, that no applicant may take the examination more than three (3) times in any three (3) year period."

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—30

Nays:

—0

And said Bill, H. B. 25, as thus amended, was then read a third time at length.

Mr. St. John moved that said Bill, H. B. 25, as amended, be re-referred to the Standing Committee on Health and Welfare, which motion was adopted.

Yeas 14; Nays 10.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, McDonald (S), Owen, Pearson, Perloff, St. John, Stewart, Wilson.

—14

Nays:

Messrs. Bank, Gilmore, Jones, King, McMillan, Noonan, Shelby, Vacca, Waldrop, Weaver.

—10

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 25, re-referred to the Standing Committee on Health and Welfare.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 22

S. J. R. 16

S. J. R. 17

S. J. R. 20

S. J. R. 21

S. J. R. 24

S. J. R. 26

S. J. R. 27

S. J. R. 28

S. J. R. 30

S. J. R. 32

S. J. R. 34

Delivered to the Governor, April 15, 1975, at 3:50 P.M.

S. B. 49

S. B. 77

Delivered to the Governor, April 17, 1975, at 10:35 A.M.

S. B. 45

Delivered to the Governor, April 17, 1975, at 10:45 A.M.

S. B. 33

Delivered to the Governor, April 17, 1975, at 11:30 A.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 12:40 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 22, 1975, at 10 o'clock A.M.

Yeas 18; Nays 12.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (S), Owen, Perloff, St. John, Shelby, Torbert, Wilson.

—18

Nays:

Messrs. Bank, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Perry, Stewart, Vacca, Waldrop.

—12

ELEVENTH LEGISLATIVE DAY

TUESDAY, APRIL 22, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Bruce Sloan, Pastor, Thirty-fifth Avenue Baptist Church, Birmingham, Alabama.

ROLL CALL

Present:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—32

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Adams, King, and Clemon for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 20. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,00) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the

Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

Also:

S. 63. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Also:

S. 101. Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

Also:

S. J. R. 25. Mourning the death of Mrs. Cecil Drake Moreman.

Also:

S. J. R. 31. Commending George Bolling.

Also:

S. J. R. 40. Creating an Athens College Legislative Evaluation Committee.

Also:

S. J. R. 41. Commending Coach James Ralph "Shug" Jordan.

Also:

S. J. R. 42. Commending Dr. John G. Milligan.

Also:

S. J. R. 43. Extending birthday greetings to Mr. "Vessie" Bridges.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 52. RESOLVED BY THE SENATE That the following bills be made special, paramount and continuing order of business for the Senate until disposed of, taking priority over all other bills on the calendar immediately upon adoption of the Resolution, and continuing on subsequent days on reaching Bills on Third Reading on the Regular Order of Business:

All uncontested Senate local bills, and the following general bills:

Bill No.	Description	Page No.
1. S. B. 82.		3
2. H. B. 7	Fuel adjustment clause	6
3. H. B. 15.	Rate base	7
4. H. B. 70.	Telephone rate filings in inter-connection situations	8
5. H. B. 77.	Consumers' utility counsel	9
6. H. B. 16.	Refund bill	10
7. H. B. 3.	Condemnation—necessity certificate	8
8. H. B. 30.	Changing appellate procedure—evidence	9
9. H. B. 31.	Direct appeals to Supreme Ct.	10
10. H. B. 4.	Notice to landowners	8

Mr. St. John offered the following substitute for the Resolution, S. R. 52, to-wit:

SUBSTITUTE FOR S. R. 52

RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Eleventh Legislative Day only:

Bill No.	Page
Senate uncontested local Bills	
S. 23	3
S. 17	1
S. 80	1
H. 157	4
H. 77	9
H. 3	8
H. 70	8

H. 30	9
H. 4	8
H. 31	10
H. 7	6
H. 15	7
H. 16	10

MOTION IN WRITING

Mr. Fine offered the following Motion in Writing, to-wit:

Having voted with the prevailing side on the passage of H. B. 39, I move that the vote by which the bill was passed be reconsidered.

and further moved that said Motion in Writing be postponed temporarily, which motion was adopted.

FURTHER CONSIDERATION OF S. R. 52

The Senate proceeded to further consideration of the Resolution, S. R. 52. The question was on the substitute offered by Mr. St. John.

On motion of Mr. Foshee, said substitute was laid on the table.

Yeas 21; Nays 7.

Yeas:

Messrs. Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Shelby, Stewart, Torbert, Weaver, Wilson.

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Nays:

Messrs. Edwards, McDonald (S), McMillan, Perloff, Powell, St. John, Vacca.

—7

Mr. St. John then offered the following substitute for the Resolution, S. R. 52, to-wit:

SUBSTITUTE FOR S. R. 52

RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Eleventh Legislative Day only:

Bill No.	Page
Senate uncontested local Bills	
S. 23	3
S. 17	1
H. 157	4

H. 77	9
H. 3	8
H. 70	8
H. 30	9
H. 4	8
H. 31	10
H. 7	6
H. 15	7
H. 16	10

RESOLUTION

Messrs. Wilson, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop and Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 53. COMMENDING FINIS E. ST. JOHN, IV.

WHEREAS, It is a tradition in the St. John family of Cullman that each generation should exceed the achievements of the generation before; and

WHEREAS, Our colleague, Finis E. St. John, III is well on his way to establishing a high water mark in his political and judicial career; and

WHEREAS, His son, Fess St. John, aware of this tradition, has already overshadowed his distinguished predecessor by being elected president of Key Club International, the high school arm of the Kiwanis Club, consisting of 80,000 boys from all over the United States and Canada; and

WHEREAS, He was the youngest boy ever to be elected president of Alabama Key Clubs, prior to his elevation to the national presidency; and

WHEREAS, In spite of his extensive travels over the United States and Canada representing this outstanding youth service organization, Fess finds time to maintain a high scholastic record and to take part in varsity basketball and golf as a senior at Cullman High School; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly congratulate Finis E. St. John, IV for the many honors and achievements of his eighteen years, and wish for him continued success as he carries on the St. John tradition.

BE IT FURTHER RESOLVED, That we share in the justifiable pride of his parents, Senator and Mrs. St. John, and commend them for the direction and guidance which their son reflects.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Finis E. St. John, IV.

On motion of Mr. Wilson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Boles, Hall and Trammell:

H. 159. To amend further Code of Alabama 1940, Title 37, Section 10, which relates to the incorporation of unincorporated communities, so as to delete the special limitation on such incorporations in counties having populations of not less than 600,000.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 159. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 62. To provide for, and regulate, the office of Register of the Circuit Court in every County of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a County office subject to any civil service law applying to employees of the County; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Malone, Callahan, Sandusky, McCulley and Glass:

H. 83. A bill to exempt the Mobile County Law Enforcement Association, a non-profit corporation organized under the laws of Alabama, from all state, county and municipal sales taxes.

Also:

By Messrs. Turnham, McNair, McCorquodale, Crowe, Callahan, White, Brindley, Owens, Crawford, Drake, Baker, Plaster, Hill, Sandusky and Warren:

H. 53. To establish an Alabama Rehabilitation Program for the Homebound to supply medical and attendant care for the homebound handicapped; to provide for supplies, equipment, transportation, and home modification for handicapped persons; and to appropriate funds to be administered by the Division of Rehabilitation and Crippled Children Service of the Department of Education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 83 and 53. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Coburn, Goodwin, Carter and Naramore:

H. 21. Relating to taxation: exempting the International Fertilizer Development Center, an Alabama non-profit corporation, and its property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 21. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McNair and Falkenburg:

H. 183. To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 5 administrative assistants to the said governing body to serve at the pleasure of the governing body.

Also:

By Messrs. Gafford, Moore (O), McNair, Trammell, Waggoner, Boles, Andrews, Hall, Armstrong, Hopping, Biddle, Jolly, Falkenburg, Hilliard, White, Porter, Howard, Tucker, Harrison and Leonard:

H. 213. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 183 and 213. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill and Drake:

H. 9. To appropriate revenues to the state highway department, to set priorities for the obligation of these funds, and to repeal Act No. 90, S. 66, approved May 11, 1971, entitled "An Act to make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges."

Also:

By Messrs. Kinsey, Morris, Callahan, Mitchem, Crowe, Owens, Drake, Andrews, Cooper, White, Moore (O), Carter, Robertson, Weeks, Manley, Smith (M), Johnstone, Lockett, Baker, Warren, Smith (C), Cates, Waggoner, McMillan, Holley, Teague, Coburn, McNees, Falkenburg, McNair, Sandusky, Malone, Carothers, Williams, McCulley, Rich, Kelley, Folmar, Glass, Venable, Naramore, Sonnier, Plaster, Harris, Wyatt, Kennedy, Hines, Hill, Greer, Goodwin, Smith (J) and LeFlore:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 9 and 1. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. R. 52

The Senate proceeded to further consideration of the Resolution, S. R. 52. The question was on the substitute offered by Mr. St. John.

RESOLUTION

Mr. Torbert offered the following Senate Resolution, to-wit:

S. R. 54. REPEALING SENATE RESOLUTION 47 OF THE 1973 REGULAR SESSION OF THE ALABAMA LEGISLATURE

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE That the motion adopted by Senate Resolution 47 of the 1973 Regular Session (Senate Journal, 1973, p. 367), which provides that all Senate business be transacted between the hours of 8:30 A.M. and 5:00 P.M., is hereby repealed.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 12:25 P.M., on motion of Mr. Weaver, the Senate took a recess until 2 o'clock this afternoon.

Yeas 16; Nays 13.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Littleton, McDonald (S), McMillan, Pearson, Powell, St. John, Shelby, Waldrop, Weaver, Wilson.

Nays:

Messrs. Baker, Flippo, Foshee, Jones, Little, McDonald (A), Mims, Noonan, Owen, Perry, Stewart, Torbert, Vacca.

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AFTERNOON SESSION
ELEVENTH LEGISLATIVE DAY

TUESDAY, APRIL 22, 1975

The Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business of the morning session, which was the St. John substitute for S. R. 52, and on motion of Mr. St. John, said substitute was laid on the table.

RESOLUTION

Mr. McDonald (S) offered the following Senate Joint Resolution, to-wit:

S. J. R. 55. CREATING A JOINT INTERIM COMMITTEE OF ADMINISTRATIVE INQUIRY.

WHEREAS, recent disclosures by officials of the State Department of Education indicate purchasing, employment, and contractual procedures for the Division of Vocational Education and Community Colleges are in conflict with appropriate management of said division; and

WHEREAS, such disclosures indicate actions by the Department of Education may be in conflict with regulations and laws of the State of Alabama and policies established by the State Board of Education; and

WHEREAS, disclosures indicate that such actions may be in conflict with agreements between the State of Alabama and the Federal Government or its agencies; and

WHEREAS, evidence indicates that federal revenue sharing monies have been spent or obligated in conflict with rules or other directives of the Governor's Office or the State Department of Finance; and

WHEREAS, it is the duty of the Alabama Legislature to inquire into, and report on, the administrative practices of departments of state government and to identify deficiencies in such practices and recommend and enact appropriate curative legislation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established the Joint Interim Committee of Administrative Inquiry. The committee membership shall be composed of the following:

The Chairman of the Senate Judiciary Committee and four members of said committee selected by its chairman, and the Chairman of the House Judiciary Committee and four members of said committee selected by its chairman. The Chairmen of the Senate Judiciary Committee and the House Judiciary Committee shall serve as Chairman and Vice Chairman, respectively, of the interim committee here created.

The committee shall make a finding of facts, and a report thereon, of the following:

A. All administrative decisions, contracts, bid lettings, purchasing, and other pertinent facts relating to the purchase or lease by the State Department of Education of passenger aircraft since January 1, 1974, and all facilities built or planned to house such aircraft.

B. The use of state and federal funds expended or committed by actions described in "A" above and the classification of such funds by source and program.

C. The administrative relationship between the State Department of Education, its Division of Vocational Training and Community Colleges, and the separate vocational schools and training centers operated under said division. Specific inquiry shall be made as to the work assignment of each person employed throughout the division, the site of the employee's work contribution, the fund(s) its employees are paid from, and other data pertinent thereto.

D. A review of the application of the state merit system to employment positions in the State Department of Education.

E. Any other administrative procedures and activities relating to the Division of Vocational Training and Community Colleges the committee deems appropriate.

The committee is not charged to inquire into the curriculum, programs, or teaching procedures of the schools operated by the division or of the teaching competency of the personnel therein. Further, this charge does not include any inquiry into the on-campus operations of the state junior colleges operated by the division.

The first meeting of the committee shall be at the call of the chairman on a date no later than the first day of the Regular Session of 1975. The committee shall make its inquiry in public hearings, and report its finding of facts and its recommendations to the Governor and the Legislature by the 10th legislative day of said regular session.

All departments of state government, including the Examiners of Public Accounts, shall supply requested information to this committee on the request of its chairman.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Upon making its report, the committee is discharged and dissolved.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 52

The Senate proceeded to further consideration of the Resolution, S. R. 52. Mr. Pearson offered the following amendment to the Resolution, to-wit:

AMENDMENT TO S. R. 52

Amend S. R. 52 by adding after 10. H. B. 4 Notice to Landowners 8 the following:

11. S. B. 39 Law enforcement longevity 2

Which was adopted.

And on motion of Mr. Foshee, said Resolution, S. R. 52, as thus amended, was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for the day, the first of which was the Bill:

S. 109. To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

Mr. Weaver offered the following substitute for the Bill, S. B. 109, to-wit:

SUBSTITUTE FOR S. B. 109

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109) is amended to read as follows:

"Section 5. After the election of a mayor and five aldermen as provided in Section 3 of this Act, the organization of the government of such cities shall be as provided for in the general municipal laws applicable to such city, and subsequent municipal elections in such city shall in all respects be governed by the general municipal election laws applicable to such city; provided, however, such subsequent elections shall be held on the second Tuesday in August four years after the election under Section 3 of this Act, and run-off elections, if any, on the first Tuesday after the second Monday in September every four years thereafter; and further provided, however the council may by ordinance adopted not less than 90 days prior to any subsequent municipal election provided for the election of its mayor and five aldermen in subsequent municipal elections in the same manner that the mayor and aldermen were elected in the first election after the abandonment of the commission form of government as provided for in Section 3 of this Act to this extent, namely, the aldermen shall be elected by the city at large, and candidates for such office may reside anywhere within the city. Candidates must file certificates of qualifications and declarations of candidacy with the city clerk not later than five o'clock p.m. on the first Tuesday in July preceding the date set for the election. The positions on the council shall not be numbered or otherwise individually designated and no person shall be a candidate for a particular place on the council. The election shall be held on the second Tuesday in August next following such call. Voters at such elections may vote for not less than one (1) nor more than five (5) candidates for office of alderman. In the event a candidate for mayor and five candidates for aldermen, each, do not receive a majority of the votes cast in that election, then a second or run-off election shall be held on the first Tuesday after the second Monday in September next following. In the second election there shall be only two candidates for mayor and twice as many candidates for aldermen as there are positions to be filled. The candidates for mayor receiving the highest and next highest number of votes in the first election hereinabove provided for shall be the only candidates for mayor in the second election. In the event no candidate for alderman receives a majority of votes cast in the first election, then the ten candidates receiving the ten highest votes in the first election shall be the only candidates in the second election. In the event only one candidate for alderman receives a majority of the votes cast

in the first election then the eight candidates receiving the eight highest number of votes but not a majority shall be the only candidates in the second election. In the event that two or more candidates for the office of alderman, each, receive a majority of the votes cast in the first election then there shall be twice as many candidates in the second election as there are positions remaining to be filled; and the appropriate number of candidates to make two for each office to be filled, receiving the highest number of votes but not a majority in the first election, shall be the only candidates in the second election. The candidate or candidates receiving the highest number of the votes cast in the second election shall be elected, so that only one mayor and five aldermen shall be elected.

"The mayor and aldermen elected at such subsequent elections shall hold office for a term of four years from the first Monday in October following their respective elections and until their successors have been elected and have qualified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Weaver.

—25

Nays:

—0

And said Bill, S. B. 109, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Weaver.

—25

Nays:

—0

The Bill:

S. 114. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

was taken up.

Mr. Jones offered the following substitute for the Bill, S. B. 114, to-wit:

SUBSTITUTE FOR S. B. 114

A BILL
TO BE ENTITLED
AN ACT

Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any incorporated municipality in this state having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census.

Section 2. In cities to which this act applies, whenever a street or public road that has been laid out or platted, or otherwise dedicated to public use, but not physically opened, and is in a residential area where fifty percent or more of the lots have houses constructed upon them and the street or road is physically and actually opened to traffic after April 1, 1975, the city governing bodies must either provide overpasses or underpasses for the use of school age children and pedestrians and for all types of vehicle traffic where said road or street crosses a railroad. This section does not apply to a business area.

Section 3. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

And said Bill, S. B. 114, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

S. 115. Relating to all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to authorize the governing bodies of said counties to increase salaries of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Flipppo, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all immunities, powers, rights and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other

revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 82, to-wit:

SUBSTITUTE FOR S. B. 82

A BILL TO BE ENTITLED AN ACT

To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to deny to each such hospital authority the power of eminent domain; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be

made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize in each of the several counties of the state the organization of a public corporation or corporations for the purpose of acquiring, owning and operating public hospitals and other health-care and related facilities in the county in which such corporation shall be organized. It is the legislative intent to confer on corporations organized hereunder all the powers requisite for the fulfillment of the purposes of their organization, including the power to do whatever financing may be necessary to accomplish such purposes. This act shall be liberally construed to give effect to its purpose. Corporations organized hereunder shall be public, non-profit corporations, and no part of the net earnings thereof shall inure to the benefit of any individual or private corporation.

Section 2. Definitions. The following words, wherever used herein, shall, unless the context clearly indicates otherwise, have the following respective meanings:

(a) "corporation" means a corporation organized pursuant to the provisions of this act;

(b) "county" means any county in this state;

(c) "member" means the county that is a member of a corporation organized pursuant to the provisions of this act and each municipality that is at the time a member of such corporation;

(d) "securities" means notes, bonds, certificates of indebtedness, warrants, or other evidences of indebtedness;

(e) "hospital" includes the plural as well as the singular and means any one or more of buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, cure or convalescence of sick, injured, mentally ill or disturbed persons or for the prevention of sickness and disease or for the care, treatment and rehabilitation of alcoholics or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons or in preventive medicine and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or in preventive medicine or the records of such diagnosis or treatment or research with respect to any of the foregoing, or dormitories or residences for hospital personnel and students and other employee-related facilities, together with (i) all real and personal properties for the location or better utilization of any such buildings and facilities, such as parking structures and areas, garages, storage facilities and out-buildings, and (ii) machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid buildings and facilities;

(f) "chief executive officer" means, with respect to a county, the probate judge as ex officio principal judge of the county commission or the president or chairman of such commission and, with respect to a municipality, the mayor, president or chairman of the commission or other chief executive officer of such municipality; and

(g) "governing body" means, with respect to a county, the county commission and, with respect to a municipality, the council, commission or other governing body of such municipality.

Section 3. Authority to Incorporate. Any county and any one or more municipalities located (in whole or in part) in such county are hereby together empowered and authorized to cause to be organized and incorporated one or more public corporations for hospital purposes with all the power and authority hereinafter provided. Such power and authority shall be exercised by the governing body of the county and by the governing body or bodies of the municipality or municipalities proposing to exercise such power and authority. The determination of such governing body to exercise the power and authority herein granted shall be evidenced by a resolution which (a) shall declare the desirability of organizing and incorporating a public corporation for hospital purposes under this act, (b) shall approve the form of the certificate of incorporation proposed to be used in organizing the corporation, (c) shall find and determine that it is wise, expedient, necessary or advisable that the corporation be formed, and (d) shall authorize its chief executive officer to proceed with the organization and incorporation of such public corporation. Whenever the governing bodies of the county and of the municipality or municipalities which are to be members of such public corporation shall have adopted such resolutions, the chief executive officer of each of them shall sign the certificate of incorporation and cause the same to be filed as hereinafter provided.

Section 4. Certificate of Incorporation. The certificate of incorporation of any public corporation incorporated under this act shall state: (1) the name of the corporation, which shall be "Hospital Authority of _____" or "_____ Hospital Authority" (the blank space to be filled in with the names of the county and of the municipality or municipalities which are to be members thereof or with the name of any hospital proposed to be acquired by the corporation or with such other descriptive name as in the judgment of the members of the corporation is appropriate); (2) the names of the county and the municipality or municipalities which are to be members of the corporation; (3) the dates of adoption by the governing bodies of the county and such municipality or municipalities of their respective resolutions authorizing the incorporation of the corporation; (4) the location of the principal office of the corporation and its post office address; (5) the period for the duration of the corporation (if the duration is to be perpetual, that fact shall be stated); and (6) the objects for which the corporation is organized, including (if appropriate) the name of any existing hospital the ownership or operation of which is proposed to be acquired and assumed by the corporation. The certificate of incorporation may also include any provision or provisions for the regulation and conduct of the affairs of the corporation which are not inconsistent with this act and the laws of the State of Alabama. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this state to take acknowledgments to deeds. The certificate of incorporation shall be filed in the office of the judge of probate of the county which is to be a member of the corporation; and said judge of

probate shall forthwith file such certificate and record the same, and thereupon the corporation described in said certificate of incorporation shall constitute a public corporation under the name stated in the certificate of incorporation. As soon thereafter as convenient, the judge of probate shall transmit a copy of the certificate of incorporation to the secretary of state.

Section 5. Amendment of Certificate of Incorporation. The certificate of incorporation of any public corporation incorporated under this act may at any time and from time to time be amended in the following manner: The board of directors of the corporation shall adopt a resolution setting forth the proposed amendment, which may include any proposed change in the name of such corporation, the inclusion of another municipality or municipalities as members thereof [provided that each of such other municipalities is located (in whole or in part) in the county which is a member of the corporation], and any matter which might originally have been included in the certificate of incorporation. If the governing body of the county and of each other member of the corporation and the governing body of each municipality (if any) which it is proposed shall be added as a member of the corporation shall by resolution consent to such proposed amendment, the chairman and the secretary of the corporation shall then file, in the office of the judge of probate in the county in which the certificate of incorporation of the corporation is filed, a certificate in the name and on behalf of the corporation, under its corporate seal, reciting the adoption of the said respective resolutions by the board of directors and by the governing bodies of the county and of such municipalities, and setting forth the proposed amendment. The proposed amendment shall become effective upon the filing of such certificate in the said office.

Section 6. Board of Directors. The corporation shall have a board of directors in which all powers of the corporation shall be vested. The board of directors shall consist of (a) two persons elected by the governing body of the county, (b) two persons elected by the governing body of the largest of the member municipalities (according to the Federal Decennial Census next preceding the date of the filing of the certificate of incorporation of the corporation for record), (c) one person elected by the governing body of each of the other member municipalities, (d) two persons [each of whom shall be, at the time of his appointment, a physician licensed to practice the profession of medicine in the county, resident in the county and engaged in the full-time private practice of medicine] elected at a mass meeting of the licensed physicians resident in the county, and (e) two persons elected or appointed by a majority vote of all the active circuit judges of the judicial circuit in which the county is located (or, in the event that there is at the time only one active circuit judge in said circuit, by such judge) and whose names shall be certified to the corporation by instrument in writing signed by the presiding judge of such circuit (and of those initially so elected and appointed by said circuit judge or judges, one shall be designated an "A" director and the other a "B" director). Each member of the board of directors must be a duly qualified elector of the county.

The chief executive officer of the county shall, promptly after the certificate of incorporation of the corporation has been filed for record, as well as within a reasonable time prior to the expiration of the term of office of any director elected at a mass meeting of the physicians in the county and as promptly as practicable after the death, resignation or other vacation of office of any such director, cause to be published one time in a

newspaper published in the county a notice of call of a meeting of all the licensed physicians resident in the county, for the purpose of electing one or more directors (as appropriate), and shall specify in such notice the place thereof (which shall be a public place located in the county) and the time thereof (which shall be not less than ten days after the date of such publication). The chief executive officer of the county, or his designee, shall preside (but shall have no vote) at each such meeting and shall thereafter issue to the corporation a certificate in writing showing the name or names of the director or directors elected thereat. Such election shall be held in such manner as the physicians attending such meeting shall provide, and any such meeting may be held and one or more directors elected thereat if at least one-third of the total number of licensed physicians resident in the county are present.

The first term of office of the directors elected by the governing bodies of each of the member municipalities shall expire on the May 1 of the calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The first term of office of the directors elected by the governing body of the county and of the "A" director elected or appointed by the active circuit judge or judges of the county as aforesaid shall expire on the May 1 of the second calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The first term of office of the directors elected at the aforesaid mass meeting of all the physicians in the county and of the "B" director elected or appointed by the active circuit judge or judges of the county as aforesaid shall expire on the May 1 of the third calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The term of office of each director elected or appointed thereafter (other than one elected or appointed to fill an unexpired term) shall be three years. Each member of the board of directors shall serve until his successor is elected and shall qualify. If any director dies or resigns or ceases to be a duly qualified elector of the county or becomes incapable or otherwise ineligible to act as a director, a successor to serve for the unexpired period of his term shall be elected or appointed by the electing or appointing authority by whom the deceased, resigning, incapable or ineligible director was elected. Directors shall be eligible to succeed themselves in office. The members of the board of directors shall serve without compensation, except they may be reimbursed for actual expenses incurred in the performance of their duties as directors. No director shall be an employee of the corporation or of any hospital or other institution operated by it nor an employee of any other hospital or health-care institution in the county, nor shall any director be an officer of the state or of any county or municipality in the state; provided however, that in the event the corporation proposes, according to its certificate of incorporation, to acquire an existing hospital then operated by another public corporation, agency, authority or body, any person who is then a member of the board or other governing body of such other public corporation, agency, authority or body, may be elected and serve as a director of the corporation even though he may also be an officer of the state or of a county or municipality in the state. Further, nothing herein contained shall preclude a person who is a member of the governing board of any state, county or municipal authority or agency from being elected to and serving on the board of directors of the corporation if such person receives no compensation or other remuneration for serving on such governing board other than reimbursement of such expenses as are incurred by him in such capacity.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the corporation. The board of directors shall hold regular meetings at such times as may be provided in the bylaws of the corporation; and such board may hold other meetings at any time and from time to time, provided that upon call of the chairman or a majority of the total number of directors, a special meeting of the board of directors must be held. Whenever any notice is required hereby or by the bylaws of the corporation to be given of any meeting of the board of directors, a waiver thereof in writing signed (whether before or after such meeting) by the person or persons entitled to such notice shall be the equivalent to the giving of such notice. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board of directors shall be taken by yeas and nays and entered upon the record. All proceedings of the board of directors shall be reduced to writing by the secretary of the corporation, recorded in an appropriate book or books. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified. Any members of the board of directors may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of officers mentioned in said Section 175.

Section 7. Officers. The officers of the corporation shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board of directors shall deem necessary to accomplish the purposes for which the corporation was organized. The chairman and the vice-chairman of the corporation shall be elected by the board of directors from its membership, but neither the secretary, the treasurer nor any of the other officers of the corporation need be a member of the board of directors. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman and the vice-chairman of the corporation shall be elected by the board of directors for a term of one year, and the secretary, the treasurer and the other officers of the corporation shall be elected by the board of directors for such terms as it deems advisable. The board of directors shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the board of directors. The duties of any other officers of the corporation shall be such as are from time to time prescribed by the board.

Section 8. Powers of Corporation. The corporation shall have all the powers and authority inhering in, or conferred upon, counties in the State of Alabama operating public hospitals, as well as the following specific powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as herein provided; (2) subject to the limitations contained in the preceding provisions of this

Section 8, to sue and be sued in its own name in civil (including ex delicto and ex contractu) actions; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt bylaws and amend the same; (5) to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real and personal property of every description, and to manage and dispose of the same by any form of legal conveyance or transfer; (6) to acquire, construct, equip, enlarge, improve, maintain and operate one or more hospitals, and to do all things necessary to that end; (7) to contract with any institution for the instruction of medicine to provide training for nurses, technicians and other technical, professional and para-medical personnel upon such terms, conditions and number of years as they may determine; (8) to conduct training schools; (9) to provide scholarships for students to be engaged in essential duties peculiar to the operation of such hospitals in such manner as they may determine; (10) to select and appoint medical staff and dental staff members and others licensed to practice the healing arts and to delineate and define the privileges granted each such individual; (11) to affiliate with, and contract to provide training and clinical experience for students of, other institutions upon such terms and conditions as it may determine; (12) to rent, lease or contract for the operation of any department, section, equipment or holdings of the corporation upon such terms and conditions as it may determine; (13) to borrow money for any corporate purpose and to issue interest-bearing securities (including bonds, notes and certificates of indebtedness) in evidence of any such borrowing; (14) to mortgage, pledge or otherwise convey its property and its revenues from any source; (15) to appoint and employ such officers and agents, including attorneys, as the business of the corporation may require; (16) to establish, collect and alter charges for services rendered and supplies furnished by it; (17) to make all needful or appropriate rules and regulations for the conduct of any hospital owned or operated by it and to alter such rules and regulations; (18) to provide for such insurance as the corporation may deem advisable; (19) to cooperate with the State Board of Health and the State Department of Mental Health; (20) to make such contracts with either of said agencies as the board of directors of the corporation may deem advisable respecting the operation of any hospital; (21) to receive and accept grants from the United States of America, the State of Alabama and any county or municipality located in said state, and from any agency or instrumentality thereof, and to give such assurances (contractual or otherwise) to or for the benefit of any such grantor as may be required in connection with, or as conditions precedent to the receipt of, any such grant; (22) to give such assurances (contractual or otherwise) and to make such commitments and agreements as may be necessary or desirable to preclude the exercise of any rights of recovery with respect to, or the forfeiture of title to, any of its hospitals or other property or any hospital or other property proposed to be acquired by it; (23) to make and alter rules and regulations for the treatment of indigent patients; (24) to assume any obligations of any entity that conveys and transfers to the corporation any hospital or hospital properties, or interest therein (provided that such obligations appertain to the hospital or hospital properties so conveyed and transferred to the corporation); (25) to assume, establish, fund and maintain retirement, pension or other employee-benefit plans for its employees; and (26) to invest any of its moneys in (a) securities that are direct obligations of, or the payment of the principal of and the interest on which is unconditionally guaranteed by, the United States of America, (b) securities that are direct obligations of any agency of the United States of America, (c) interest-bearing deposits (including certificates of deposits) of

any bank organized under the laws of the United States of America or any state thereof, and (d) securities of the corporation.

Section 9. Borrowing by the Corporation. All securities of the corporation shall be signed in the name and behalf of the corporation by its chairman and attested by its secretary but a facsimile of the signature of one, but not both, of such officers may be printed thereon in lieu of the manual signature of such officer, and the seal of the corporation shall be affixed thereto or a facsimile thereof printed thereon. Any interest coupons applicable to any securities of the corporation shall be signed by its chairman, but a facsimile of such chairman's signature may be printed on any such interest coupons in lieu of his manually signing the same. Any securities of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denomination and of such tenor and maturity or maturities (not exceeding forty years from their date), shall contain such provisions not inconsistent herewith, and shall bear such rate or rates of interest (without regard to any laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended) payable and evidenced in such manner as may be provided by the resolution of the board of directors authorizing the same or by the trust or mortgage indenture under which issued. Any borrowing may be effected by the issuance and sale of such securities in such manner, at such price or prices, at such time or times and on such other terms and conditions as may be determined by the board of directors to be most advantageous, without regard to any statute that might otherwise require a public advertised sale. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing done by it. Securities issued by the corporation shall not be general obligations of the corporation but shall be payable solely from the sources specified in the resolution of the board of directors authorizing the same or in the trust or mortgage indenture under which issued. As security for payment of the principal of and the interest (and premium, if any) on any securities issued by it, the corporation may mortgage, pledge or otherwise convey any of its property and any of its revenues from any source, including, but without limitation, any one or more of the following: (a) any taxes which may be levied for the benefit of the corporation or any hospital owned or operated by it or the proceeds of which may have been appropriated to the corporation (or to or for the benefit of any hospital owned or operated by it) by the legislature or by the governing body of a county or a municipality, and (b) revenues from any hospital owned or operated by it. Any mortgage or trust indenture executed on behalf of the corporation as security for any of its securities, and any resolution of the board of directors authorizing the issuance of any such securities, may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of its properties, the application and use of the taxes or revenues (or both) out of which any such securities are payable, the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made and the rights and remedies in the event of default, and may also contain provisions restricting the individual rights of action of the holders of any such securities; and any such mortgage or mortgage indenture may also provide that in the event of any default thereunder, it may be foreclosed either by sale at public outcry or by judicial proceedings and that the trustee under such mortgage or mortgage indenture or the holders of any securities secured thereby may become the purchaser at any foreclosure sale if the highest bidder. Any

such mortgage or mortgage indenture may be filed in the office of the judge of probate of any county in which any of the property (real, personal or mixed) subject to the lien thereof is, or is anticipated to be, located, and the lien of such mortgage or mortgage indenture shall, with respect to all personal property and fixtures subject thereto (including after-acquired property) and notwithstanding any contrary provisions of and without compliance with the Uniform Commercial Code, be valid and binding against all parties having claims of any kind against the corporation, irrespective of whether the parties have actual notice thereof, from the time such mortgage or mortgage indenture is so filed. Any such pledge of any such taxes or revenues shall be valid and binding from the time it is made, and the taxes or revenues so pledged and thereafter received by the corporation shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall, notwithstanding any contrary provisions of the Uniform Commercial Code and without compliance with the provisions thereof, be valid and binding against all parties having claims of any kind against the corporation, irrespective of whether the parties have actual notice thereof, from the time there is filed in the office of the judge of probate of the county a notice stating the date on which the resolution authorizing the issuance of the securities was adopted by the board, the principal amount of the securities issued, a brief description of the taxes or revenues so pledged and a brief description of any property the revenues from which are so pledged.

All debts created and securities issued by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the State of Alabama or of any county or municipality. The faith and credit of the State of Alabama or of any county or municipality therein shall never be pledged for the payment of any securities issued by the corporation. All securities issued by the corporation shall be construed to be negotiable instruments although payable solely from one or more specified sources. All securities issued by the corporation, the income therefrom, and all mortgages and other instruments executed as security therefor, all leases made pursuant to the provisions hereof and all revenues derived from any such leases and all deeds and other documents executed by or delivered to the corporation shall be exempt from all taxation in the State of Alabama.

Section 10. Use of Proceeds. The principal proceeds derived from any borrowing made by the corporation hereunder (other than borrowings made for refunding purposes) shall be used solely for the purpose or purposes for which such borrowing was authorized to be made, including architects' and engineers' fees; legal, fiscal and recording fees and expenses incurred in connection with such borrowing; the interest to accrue on any securities issued in evidence of such borrowing during a period of not exceeding thirty-six months after the date of such borrowing; the reimbursement to itself (or to its general fund or any one or more of its other funds), to the county in which the corporation is organized, to any municipality located (in whole or in part) in such county and to any public agency, authority or body in such county, of any funds advanced to or for the benefit of the corporation or any hospital owned by it and in anticipation of the issuance of securities by the corporation (including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to or for the benefit of the corporation or such hospital); and the creation of such reserves for the payment of debt service on any such securities and for the maintenance,

repair, replacement, improvement and enlargement of any of its hospitals and other properties as the board of directors shall deem advisable. Any portion of the principal proceeds derived from any such borrowing not needed for any of the purposes for which such borrowing was authorized to be made shall be applied and used (a) for retirement of the securities issued in evidence of such borrowing or (b) for payment of the interest thereon or (c) for payment into one or more special funds created for payment of principal or interest (or both) or for the creation of reserves for the payment of debt service or for maintenance, repair, replacement, improvement or enlargement or (d) for any combination thereof, all as shall be specified in the mortgage or trust indenture under which such securities are issued or in the resolution of the board of directors authorizing any such borrowing.

Section 11. Refunding Securities. The corporation may at any time and from time to time issue refunding securities for the purpose of refunding any securities of the corporation theretofore issued hereunder and then outstanding, whether or not such securities shall have matured or are redeemable at the option of the corporation at the time of such refunding; provided however, that the maximum principal of securities that the corporation may at any time issue for refunding purposes shall not exceed the sum of (a) the outstanding principal or face amount of the securities being refunded, (b) the unpaid interest accrued thereon to the date that such refunding securities are issued, (c) any redemption premium necessary to be paid in order to redeem the securities to be refunded, and (d) the expenses estimated to be incurred in connection with such refunding. The principal proceeds derived by the corporation from the sale of any refunding securities shall be used only for the payment of the principal of and the interest (and premium) on the securities being refunded and for payment of the aforesaid expenses; provided however, that such proceeds may, if in the judgment of the board of directors of the corporation such is necessary or desirable to effect an advantageous refunding, use a portion of said proceeds for payment of principal of and interest on such refunding securities themselves and the remainder of said proceeds for payment of the securities being refunded and of said expenses; and provided further, that in any event any portion of said proceeds that shall at the time not be needed for any of such purposes may, pending need therefor, be invested in such investments as are specified in Section 8 hereof. Any such refunding may be effected either by sale of the refunding securities and the application of the proceeds thereof as aforesaid, or by exchange of the refunding securities for the securities to be refunded thereby, or by any combination thereof; provided that the holders of any securities so to be refunded shall not be compelled without their consent to surrender their securities for payment or exchange prior to the date on which they may be paid or redeemed by call of the corporation under their respective provisions. All provisions of this act pertaining to securities of the corporation that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding securities issued by the corporation. The corporation may at any time and from time to time issue securities both for the purpose of so refunding any of its securities and for any other purpose for which it is authorized to issue securities, in which event the provisions hereof respecting refunding securities shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 12. Investment of Trust Funds in Securities of Corporation. Securities issued under this act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of this state.

Section 13. Corporation to be Tax Exempt. All property, real, personal or mixed, that may be owned by the corporation, and the corporation itself, shall be exempt from all state, county, and municipal taxation, including (without limitation) income, excise, privilege and license taxation. Further, the gross proceeds of sales of tangible personal property to or by the corporation, and the storage, use or other consumption by the corporation of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, shall be exempt from all such state, county and municipal taxation and from the measure of any such taxation imposed on others.

Section 14. No Power of Eminent Domain. The corporation shall not have the power of eminent domain.

Section 15. The officers, directors, staff members and all other employees of any public hospital authority, incorporated under the provisions of this act, shall be subject to the rules and regulations of the State Ethics Commission as promulgated under the authority of the State Ethics Act of 1973 and all subsequent amendments thereto.

Section 16. All purchases, sales and contracts of any public hospital authority incorporated under the provisions of this act shall be administered in full compliance with the provisional requirements of the state competitive bid laws (Code of Alabama 1940, Title 55, Chapters 21-24).

Section 17. One or More Corporations May Be Organized. The formation of one corporation under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation by the same county and the same municipality or municipalities or another municipality or municipalities in such county.

Section 18. Provisions Exclusive. Any corporation organized under the provisions of this act shall, insofar as the subject matter of this act is concerned, be governed exclusively by the provisions of this act, which shall not be construed in *pari materia* with any other statute.

Section 19. Transfer of Funds and Property by Counties and Municipalities. The county in which the corporation is organized, any municipality located (in whole or in part) within such county (whether or not a member of such corporation), any public corporation in such county and any other public agency, authority or body (whether or not incorporated) located or having its principal office in the county are hereby authorized to transfer and convey to the corporation, with or without consideration, any hospital and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any hospital that may be owned by such county, municipality, public corporation, or public agency, authority or body, as the case may be, or that may be jointly owned by any one or more thereof, and any funds owned or controlled by such county, municipality, public corporation, or public agency, authority or body, as the case may be, or jointly by any one or more thereof, that may have been raised or allocated for any of the

purposes for which the corporation shall have been organized; provided, that such transfer or conveyance shall be authorized by an ordinance or a resolution duly adopted by the governing body of such county, municipality, public corporation, or public agency, authority or body, as the case may be. Further, in the event of the transfer of any hospital to the corporation, any taxes, tax proceeds and other revenues that are apportioned or allocated to or for the benefit of the prior owner or operator of such hospital, or for patient care at such hospital, shall thereafter be paid to the corporation.

Section 20. Dissolution of Corporation. If at any time the corporation shall have outstanding no unpaid securities and if each member of the board of directors of the corporation shall execute and file for record in the office of the Judge of Probate of the county in which the corporation is organized a certificate of dissolution reciting the fact that the corporation has outstanding no unpaid securities, stating that it is in the best interests of the public for the corporation to be dissolved and declaring the corporation to be dissolved, the corporation shall thereupon stand dissolved, and title to all funds and properties owned by it at the time of such dissolution shall vest, jointly, in the county and the largest of the member municipalities (according to the Federal Decennial Census next preceding the date of the filing of the certificate of incorporation of the corporation for record) whereupon possession of such funds and properties shall forthwith be delivered to the county and such largest member municipality.

Section 21. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

Section 22. Effective Date. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—25

Nays:

—0

And said Bill, S. B. 82, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan,

Jones, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—25

Nays:

—0

NOTICE IN WRITING

Mr. Perloff offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF SENATE RULE CHANGE

Notice is hereby given that a motion to change Senate Rule 12 to read as follows will be introduced on the next legislative day, viz:

Rule 12. Special orders shall not be called on any legislative day before 12 o'clock noon, unless specially set for some other hour by motion or resolution, provided, however, that no vote shall be taken on a special order until 15 minutes after such special order resolution has been introduced.

Which was read and ordered spread upon the Journal.

Mr. St. John offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with Senate Rule 36 that on the next legislative day a motion will be made to amend Senate Rule No. 12 as follows:

Rule 12: Special orders shall not be called on any legislative day before twelve o'clock noon, unless specially set for some other hour by motion or resolution.

Rule 12A: Any adoption of a special order calendar shall be by a recorded vote.

Which was read and ordered spread upon the Journal.

BILL REPORTED

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said Committee, in session, had acted on the following Bill and ordered same returned to the Senate with a favorable report, and said Bill was again read a second time, to-wit:

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

And said Bill, H. B. 25, which was read a third time at length, as amended, on the Tenth Legislative Day, was again read a third time at length and passed.

Yeas 26; Nays 3.

Yeas:

Messrs. Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—26

Nays: Messrs. Baker, Edwards, Shelby.

—3

MOTION TO ADJOURN LOST

At 3:45 P.M., Mr. Fine moved that the Senate adjourn until Thursday, April 24, 1975, at 10 o'clock A.M., which motion was lost.

Yeas 9; Nays 17.

Yeas:

Messrs. Edwards, Fine, Littleton, McDonald (A), McDonald (S), Powell, St. John, Vacca, Wilson.

—9

Nays:

Messrs. Baker, Bank, Ellis, Flippo, Foshee, Gilmore, Jones, Little, McMillan, Mims, Mitchell, Perry, Shelby, Stewart, Torbert, Waldrop, Weaver.

—17

REQUEST FOR UNANIMOUS CONSENT

Mr. Bank requested unanimous consent that the Bill:

S. 39. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

be taken up out of order for immediate consideration. On objection of Mr. McDonald (S), said request was denied.

BILLS ON THIRD READING RESUMED

The Bill:

H. 7. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

was taken up.

Mr. Fine offered the following amendment to the Bill, H. B. 7, to-wit:

AMENDMENT TO H. B. 7

Amend House Bill 7, Section 1, by striking the period after the word "Act" at the end of the first sentence and by striking that portion of such

section following such word "Act" and inserting in lieu thereof the following:

"unless such utility or telephone company shall first submit to the Alabama Public Service Commission the data under oath supporting the increased charges. The Commission shall maintain such data in locations readily available for inspection by the public at all reasonable times. In addition, the Commission shall promptly audit or cause an audit to be made of each such monthly filing and make the result of such audit available to the public."

Mr. Stewart moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 21.

Yeas:

Messrs. Baker, Foshee, Jones, McDonald (A), Perry, Roberts, Shelby, Stewart, Torbert, Waldrop, Weaver.

— 11

Nays:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Vacca, Wilson.

— 21

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 34. TO PROVIDE EXPENSES FOR TWO MEMBERS OF THE COMMITTEE ON HEALTH TO ATTEND THE NATIONAL CONFERENCE ON HEALTH PLANNING.

Also:

H. J. R. 70. Commending Coach James Ralph "Shug" Jordan on his illustrious coaching career and wishing him a happy future retirement.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. J. R. 40, the President and Presiding Officer of the Senate appointed Messrs. Waldrop, Owen and Gilmore as Senate members of the Athens College Legislative On-Site Evaluation Committee.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. Stewart, pending further consideration of H. B. 7, the Senate adjourned until Thursday, April 24, 1975, at 10 o'clock A.M.

TWELFTH LEGISLATIVE DAY

THURSDAY, APRIL 24, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend John Ed Mathison, Minister, Frazer Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

JOURNAL

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 68. Commending the Ushers Club of Ramsey High School for Their Outstanding Service to the Community.

Also:

H. J. R. 71. Commending Aliceville's "Outstanding Citizen", Dan Drescher.

Also:

H. J. R. 80. WELCOMING CARL BUCHANAN AND LARRY HUMPHREY FROM THE ALABAMA INDUSTRIAL TRAINING SCHOOL AT MT. MEIGS WHO WILL SERVE THIS WEEK AS PAGES IN THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 27. Relating to insurance so as to require inclusion in all individual and group health insurance policies providing coverage on an expense incurred basis and in all individual and group service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber of coverage of injury or sickness of newly born children; to define terms; to provide for all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Also:

H. 34. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama", as heretofore amended:

Also:

H. 47. To provide for, and regulate, the office of Register of the Circuit Court in every county of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a county office subject to any civil service law applying to employees of the county; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Also:

H. 94. To amend Section 3.04 of Act No. 452, H. 974, 1955 Regular Session (Acts of 1955, p. 1004), as amended, which provides for a form of municipal government known as mayor-council form of government for cities having a population in excess of 300,000 inhabitants; so as to reduce the required age for city councilmen from 25 to 21 years of age.

Also:

H. 143. To provide further for the division of duties among the county commissioners in all counties having populations greater than 600,000 according to the most recent federal decennial census and having a county commission composed of three members whose duties are divided among three departments so as to provide for the supervision and operation of farms by any such counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (B), Riddick, Kelley, White, Roberts, Sasser, Quarles, Waggoner, Johnstone and Callahan:

H. 165. To amend the power of the State Board of Medical Examiners over the granting of certificates of qualification to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualification; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 165. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (B), Riddick, Kelley, White, Roberts, Sasser, Quarles, Waggoner, Johnstone and Callahan:

H. 166. To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 166. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg, Johnson, Biddle, White, Quarles, Sasser and McCluskey:

H. 136. To amend Sections 270 and 271 of Title 46 of the Code of Alabama 1940, as amended, which section relates to the power of the State Board of Medical Examiners to suspend or revoke the certificate of qualification to practice medicine of a physician or osteopath.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 136. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 13. To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to pay of legislative interim committee members, so as to allow such members to receive the regular legislative per diem plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 13. To the Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 70. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Also:

S. 51. To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

Also:

S. 99. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Johnson:

H. 223. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; to provide that any public school building located outside of the limits but within the police jurisdiction of any incorporated municipality shall not be subject to any city building code; and to require the employment of a construction inspector by the county school board.

Also:

By Messrs. Sparks and Crowe:

H. 227. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an expense account for the Deputy Sheriffs and to provide for the payment of the same.

Also:

By Mr. Sparks:

H. 234. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Also:

By Mr. Sparks:

H. 233. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Also:

By Mrs. Quarles:

H. 240. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Also:

By Messrs. Plaster and Lockett:

H. 235. Relating to all counties having populations not less than 24,000 nor greater than 24,800 according to the most recent federal decennial census; to provide an expense allowance for the coroner.

Also:

By Messrs. Falkenburg, Waggoner, Biddle and White:

H. 79. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Also:

By Messrs. Callahan, Biddle, McMillan, McCulley and McCorquodale:

H. 65. To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

Also:

By Messrs. Manley, Pegues, Edwards and Lockett:

H. 204. To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

By Messrs. Manley, Pegues, Lockett, Edwards and Clark:

H. 205. To transfer Richmond Pearson Hobson Memorial Home, a property on the National Register of Historic Places, owned by the Richmond Pearson Hobson Memorial Board of the State of Alabama to the Alabama Historical Commission.

Also:

By Messrs. McMillan, Callahan, Sonnier, Sandusky, Malone, McCulley, Glass, Johnstone, Cooper, Kennedy and Morris:

H. 224. To amend Code of Alabama 1940, Title 17, Section 286, which enumerates and defines corrupt practices generally so as to provide that it shall not be a corrupt practice for a corporation to contribute to a nonpartisan committee dedicated to the support or defeat of a proposed amendment to the Constitution of Alabama designed to promote the further development and use of the state's waterways, rivers, ports or harbors or to the further commercial or industrial development of the state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 223, 227, 234, 233, 240 and 235. To the Committee on Local Legislation No. 1.

H. B. 79. To the Committee on Health and Welfare.

H. B. 65. To the Committee on Judiciary.

H. B.'s 204 and 205. To the Committee on Conservation.

H. B. 224. To the Committee on Seaports and Inland Waterways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Folmar:

H. 194. To name the new music building at Troy State in honor of Dr. John M. Long.

Also:

By Messrs. Boles, Jolly, Hall, Armstrong, Howard, Trammell and Andrews:

H. 140. To amend the Title and Sections 1 and 2 of Act No. 2228, S. 134, 1971 Regular Session (Acts of 1971, p. 3585), entitled, "An Act To provide additional alternative procedures whereby incorporated municipalities with populations of two thousand (2000) or more may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory," so as to make the Act apply to all municipalities.

Also:

By Mr. Holley:

H. 203. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of offices in Coffee County, and the regulation of the fees, commissions, percentages, allowances and compensation of county officers of such county, and of costs and charges of courts in said county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 194. To the Committee on State Government.

H. B. 140. To the Committee on Local Government.

H. B. 203. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 203, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Quarles, Falkenburg, Manley, Morris, Waggoner, Crowe, McNair, Williams, White, Weeks, Coburn, Mitchem, Edwards, Wyatt, Smith (C), Moore (O), Brindley, Drake, Sasser, Dial, Teague, Naramore, Armstrong, McCluskey and Plaster:

H. 67. Making a supplemental appropriation to the Secretary of State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 67. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 144. To provide that in any county having a population of 500,000 or more according to the last or any subsequent federal census the governing body of the county shall appoint and may remove the Chairman of the Board of Registrars, subject, however, to the provisions of the merit system of the county; to provide the compensation which shall be payable to such Chairman by such county; to provide that the Chairman shall pay to the county any compensation he or she receives from the State of Alabama; to provide for the duties and authority of such Chairman; to provide when and where the Board of Registrars shall meet; and to repeal all laws or parts of laws inconsistent with this Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 40. To amend Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts of Alabama, p. 508), as last amended, so as to provide deductions from sentences of less than six months and over thirty days.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. White, Morris and Teague.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McMillan, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 25, the title of which is set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert.

—24

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. McMillan, Clemon and Bank.

BILLS ON THIRD READING

The Bill:

H. 5. Authorizing the county commission of Marengo County to pay the sheriff of Marengo County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo,

Foshee, Givhan, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

H. 43. Relating to counties having populations not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 49. To amend Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds"; so as to further regulate the salary of the county superintendent of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 50. Relating to Limestone County; providing further for the compensation of election officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 51. Relating to Limestone County; to provide further for the compensation for the members of the jury commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 52. To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, St. John, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 72. To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 99. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 105. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to redesignate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 110. Relating to counties having a population of not less than 15,400 nor more than 15,625 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 113. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 114. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 115. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the LaGrange Historical Commission, by members of the legislative delegation representing the County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

H. 116. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 118. To amend Act No. 527, H. 1330, Regular Session 1973 (Acts 1973, p. 768), entitled, "An Act Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize the county commission of such counties to expend county funds for certain public recreation programs for minors up to 19 years of age," so as to provide further for such programs in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

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The Bill:

H. 135. To authorize and empower the Library Board of any county with a population of not less than 35,000 nor more than 38,000 inhabitants to name the library building and the archives building located in any such county for any person whether living or deceased even though state funds may be used to finance the building, wholly or in part.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Torbert, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 150. To provide an additional expense allowance to the judge of the 17th judicial circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 151. Relating to Marengo County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

H. 160. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 161. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 162. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perry, Powell, Roberts, Shelby, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 177. Relating to Perry County; providing for the opening, construction, repair, and maintenance of certain drives and roadways by the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Givhan, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 178. Authorizing the county commission of Perry County to provide for not more than two additional clerks to assist the probate judge of Perry County in the performance of his duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

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REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Littleton:

S. 116. To amend Act No. 777, House Bill 841, Regular Session, 1969, so as to provide for an increase in the salary of the Chief Examiner of Public Accounts and the salary of the Assistant Chief Examiner.

By Mr. St. John:

S. 108. To exempt The Muscular Dystrophy Association, Inc. from the payment of all state, county, and municipal sales and use taxes.

By Mr. Noonan:

S. 110. To exempt the Little Sisters of the Poor Home For the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Noonan:

S. 111. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

By Messrs. Callahan, Sandusky, Cooper and McCulley:

H. 68. To exempt the Mobile Rescue Mission, Incorporated, and The Children's Home, Inc., of Huntsville, and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain conditions.

By Mr. Smith (M), et al:

H. 17. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

By Mr. Manley, et al:

H. 108. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons, to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan, et al (With Amendment):

H. 66. To provide that all retirement income or disability pay received by any retired military personnel shall be exempt from all state, county or city income taxes or like taxes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turnham, et al:

H. 53. To establish an Alabama Rehabilitation Program for the Homebound to supply medical and attendant care for the homebound

handicapped; to provide for supplies, equipment, transportation, and home modification for handicapped persons; and to appropriate funds to be administered by the Division of Rehabilitation and Crippled Children Service of the Department of Education.

By Mr. Kinsey, et al:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

By Messrs. Coburn, Goodwin, Carter and Naramore:

H. 21. Relating to taxation: exempting the International Fertilizer Development Center, an Alabama non-profit corporation, and its property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

By Messrs. Malone, Callahan, Sandusky, McCulley and Glass:

H. 83. A bill to exempt the Mobile County Law Enforcement Association, a non-profit corporation organized under the laws of Alabama, from all state, county and municipal sales taxes.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill (With Amendment):

H. 11. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Perry, King, Torbert, Flippo, Owen, Foshee, Jones, Littleton, Powell, McMillan, Vacca and Little:

S. 95. To define habitual criminals; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

By Mr. Torbert:

S. 105. To amend Title 3, Section 11, Code of Alabama, 1940, as amended, pertaining to cruelty to animals.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kinsey, et al (With Substitute):

H. 2. To amend Code of Alabama 1940, Title 15, Section 104, which provides for the issuance of search warrants by a local magistrate, based on probable cause, so as to provide for the issuance of such warrants to any officer of the Bureau of investigation and intelligence of the Department of Public Safety and the sheriff, but not the constable, and for their execution by such lawful officers.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Owens, Mitchem, Kinsey and Holley (With Amendment):

H. 71. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ford, Rich, Taylor and Brindley:

H. 56. Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

By Messrs. Lee and Owens:

H. 101. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

By Messrs. Lee and Owens:

H. 102. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

By Mr. Robertson:

H. 107. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the

pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Taylor, Brindley, Ford and Rich (With Substitute):

H. 130. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to provide for an efficient administration of the financial affairs of such counties by establishing a sound budgetary system; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures by requiring all department heads, all county offices, boards or agencies receiving or desiring to receive appropriations from county government to submit written budget requests to the county commission; to provide that each district commissioner submit to the chairman of the county commission written budget requests; to provide for preliminary budget hearings on all written requests before adoption of a final budget; to prohibit the chairman of the county commission to sign any instrument to pay for any purchases beyond the approved budget; to provide that all the appropriations made by the county commission are maximum, conditional, and proportionate appropriations; to provide that the county commission shall have the authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to provide for a budget review board who will review said budget and make recommendations to the commission to allow budget flexibility; to set the effective date of this act and to appeal any conflict in laws.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Taylor, Brindley, Ford and Rich:

H. 131. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to require the county commission to make provisions for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of privilege or license taxes upon the sale of malt or brewed beverages collected by such commission, and to provide for the administration of the Act.

By Messrs. Taylor, Brindley, Ford and Rich:

H. 132. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

By Messrs. Taylor, Brindley, Ford and Rich:

H. 133. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

By Mr. Crowe:

H. 149. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

By Mr. McNees:

H. 169. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

By Mr. McNees:

H. 170. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

By Mr. McNees:

H. 171. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

By Mr. McNees:

H. 172. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

By Mr. McNees:

H. 173. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

By Mr. McNees:

H. 174. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

By Mr. McNees:

H. 185. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

By Mr. McNees:

H. 186. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

By Messrs. Manley and Pegues:

H. 196. Relating to counties having a population of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county commission.

By Mr. McNees:

H. 207. To provide an additional expense allowance for the County Commissioners of all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

By Mr. Kinsey (with notice and proof):

H. 208. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

By Messrs. Crowe and Sparks:

H. 209. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

By Mr. Owens (with notice and proof):

H. 211. Relating to Bibb County, to further amend Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43), which Act levies certain sales and use taxes in Bibb County, so as to increase said sales and use taxes and to allocate the revenue generated from such taxes equally between the county hospital board and the county board of education.

By Mr. Warren (with notice and proof):

H. 212. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

By Messrs. Hines and Warren (with notice and proof):

H. 214. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

By Messrs. Starkey and Lutz (with notice and proof):

H. 218. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

By Messrs. Merrill, Burgess, Quarles and Shelton:

H. 229. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

By Messrs. Merrill, Burgess, Quarles and Shelton:

H. 230. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Moore (O):

H. 221. To empower the county commission of all counties having a population greater than 600,000 inhabitants according to the most recent federal decennial census to authorize any local bank located within such counties to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 12. Creating a Joint Interim Committee to study Real Estate Principles, Practices and the Upgrading of Real Estate Operating and Licensing Laws.

On motion of Mr. Jones, said Resolution was then concurred in and adopted by the Senate.

RECESS

At 11:20 A.M., on motion of Mr. St. John, the Senate took a recess until 2 o'clock this afternoon.

Yeas 15; Nays 13.

Yeas:

Messrs. Clemon, Edwards, Fine, Flippo, Gilmore, King, McMillan, Mims, Pearson, Perloff, Powell, St. John, Vacca, Weaver, Wilson.

—15

Nays:

Messrs. Adams, Baker, Bank, Foshee, Little, Littleton, Mitchell, Owen, Perry, Roberts, Shelby, Stewart, Waldrop.

—13

AFTERNOON SESSION
TWELFTH LEGISLATIVE DAY
THURSDAY, APRIL 24, 1975

The Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 40. To amend Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts of Alabama, p. 508), as last amended, so as to provide deductions from sentences of less than six months and over thirty days.

Also:

H. 144. To provide that in any county having a population of 500,000 or more according to the last or any subsequent federal census the governing body of the county shall appoint and may remove the Chairman of the Board of Registrars, subject, however, to the provisions of the merit system of the county; to provide the compensation which shall be payable to such Chairman by such county; to provide that the Chairman shall pay to the county any compensation he or she receives from the State of Alabama; to provide for the duties and authority of such Chairman; to

provide when and where the Board of Registrars shall meet; and to repeal all laws or parts of laws inconsistent with this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 62. To provide for, and regulate, the office of Register of the Circuit Court in every County of the State having a population of 600,000 or more according to the last or any subsequent federal census; to provide that such office shall be a County office subject to any civil service law applying to employees of the County; to provide how the Register shall be appointed and removed; and to provide how the compensation of the Register shall be established.

Also:

S. 51. To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

Also:

S. 70. To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Also:

S. 99. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Messrs. McMillan and Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. Commending Miss Janie Richet Pearson

WHEREAS, Miss Janie Richet Pearson, the daughter of our distinguished fellow Senator J. Richmond Pearson, was recently selected as the only female member of the Senior National Honor Society at Birmingham University School; and

WHEREAS, Janie has had an outstanding record both in academic pursuits and extra-curricular and church activities; and

WHEREAS, The accomplishments of our children are even more gratifying to us than our own; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we congratulate Miss Janie Richet Pearson for this signal honor which she so richly deserves.

BE IT FURTHER RESOLVED, That we also congratulate Senator and Mrs. Pearson for their achievement in producing and raising this fine young lady.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Miss Janie Richet Pearson.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. Commending Al Fox, Jr., on being selected National Merit Scholar

WHEREAS, This body has the greatest respect for Al Fox, distinguished member of the Capitol Press Corps, because of his journalistic accomplishments; and

WHEREAS, It has been learned that he has an even greater accomplishment to his credit—his son, Al Fox, Jr., who was recently awarded a National Merit Scholarship; and

WHEREAS, “Peck” Fox, who has never made anything but A’s in his 16 years, is the only student in the history of Woodlawn High School to serve as editor of the school yearbook while still a junior; and

WHEREAS, He is the only student in the Birmingham Public School System to have merited this honor, based on academic excellence, school recommendations and extra-curricular activities; and

WHEREAS, Peck still finds time to play on the Woodlawn golf team and is an ardent sports fan; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That this body takes great pride in the honor which has come to Al Fox, Jr., and, through him, to his parents.

BE IT FURTHER RESOLVED That there probably is no hat in the world large enough for the swelled head of Al, Sr.

BE IT FURTHER RESOLVED That congratulations are also in order to Al and Mrs. Fox for the large part they have played in the success of their son.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 58. HONORING SENATOR J. RICHMOND PEARSON UPON BEING CHOSEN BY THE KAPPA ALPHA PSI FRATERNITY, INC. AS "KAPPA MAN OF THE YEAR."

WHEREAS our beloved colleague, Senator J. Richmond Pearson of Jefferson County, was honored by the Birmingham Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. as "Kappa Man of the Year"; and

WHEREAS the ceremonies were held at 4 p.m. at Sixteenth Street Baptist Church in Birmingham on Sunday, April 20; and

WHEREAS Senator Pearson is a member of the Grand Board of Directors of the Fraternity; and

WHEREAS this is an honor much deserved by Senator Pearson; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate our fellow member, Senator J. Richmond Pearson, on being chosen by the Birmingham Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. as "Kappa Man of the Year."

BE IT FURTHER RESOLVED That the Secretary of the Senate present a copy of this resolution to Senator Pearson.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Lockett, Edwards and Manley:

H. J. R. 103. WISHING J. WILSON BAKER, SHERIFF OF DALLAS COUNTY, A SPEEDY RECOVERY FROM HIS RECENT ILLNESS.

WHEREAS J. Wilson Baker, the Sheriff of Dallas County, is currently in the Baptist Medical Center—Montclair in Birmingham recovering from recent surgery; and

WHEREAS this resolution is but a small token of the good-will we wish to send to Sheriff Baker; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send Sheriff J. Wilson Baker best wishes for a speedy recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Baker at the Baptist Medical Center—Montclair in Birmingham.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolution, H. J. R. 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Killian, Andrews, Trammell and Gregg:

H. J. R. 101. THANKING THE FREEDOM SINGERS OF SNEAD STATE JUNIOR COLLEGE FOR PERFORMING FOR THE ALABAMA LEGISLATURE.

WHEREAS the Freedom Singers of Snead State Junior College performed for the Alabama Legislature during the 3rd special legislative session 1975; and

WHEREAS the Freedom Singers presented an outstanding patriotic and religious program to the delight of all attending; and

WHEREAS the Freedom Singers performed under the competent direction of Mr. May and Mrs. Lancaster; and

WHEREAS these young people exemplify the high ideals of youth today; and

WHEREAS the Alabama Legislature does appreciate the time and effort of the Freedom Singers of Snead State Junior College; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does heartily thank the Freedom Singers of Snead State Junior College for performing for the Alabama Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. May and Mrs. Lancaster and to the administration of Snead State Junior College.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolution, H. J. R. 101, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Hall, Boles and Biddle:

H. J. R. 73. COMMENDING PAUL FRANCOIS OF PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE FOR INDUCTION INTO THE HALL OF HONOR OF PHI THETA KAPPA.

Also:

By Messrs. Boles, Hall and Biddle:

H. J. R. 74. COMMENDING MRS. JO MARSHALL FOR PROVIDING THE INSPIRATION AND LEADERSHIP TO THE ALABAMA REGION OF PHI THETA KAPPA.

Also:

By Messrs. Biddle, Boles and Hall:

H. J. R. 75. COMMENDING PI PI CHAPTER OF PHI THETA KAPPA OF JEFFERSON STATE JUNIOR COLLEGE.

Also:

By Mr. Porter:

H. J. R. 76. COMMENDING MISS VENETTE HOOKS UPON HER SELECTION FOR MEMBERSHIP IN MORTAR BOARD AT THE UNIVERSITY OF ALABAMA.

Also:

By Messrs. McCorquodale, Owens, Manley, Crowe and Merrill:

H. J. R. 81. COMMENDING THE CAPITOL GUIDES FOR THEIR FRIENDLY HELPFULNESS TO NEWCOMERS TO THE CAPITOL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolutions, H. J. R.'s 73, 74, 75, 76 and 81, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Riddick:

H. J. R. 83. COMMENDING ROBERT LIPSCOMB UPON HIS BECOMING PRESIDENT OF THE ALABAMA EDUCATION ASSOCIATION.

Also:

By Mr. Morris:

H. J. R. 84. REGRETTING THE ILLNESS OF RICKEY BARNETT.

Also:

By Mr. Dial:

H. J. R. 86. COMMENDING ROBERT E. BARNETT OF CLAY COUNTY FOR HIS CONTRIBUTIONS TO THE COMMUNITY.

Also:

By Messrs. McMillan and Kinsey:

H. J. R. 88. COMMENDING THE HONORABLE SAM C. PRUETTE UPON HIS RETIREMENT AS MAYOR OF BAY MINETTE.

Also:

By Messrs. Edwards and Plaster:

H. J. R. 89. CONGRATULATING THE FORT DEPOSIT COMMUNITY ARTS AND ACTIVITIES COMMITTEE ON THE TREMENDOUS SUCCESS OF THEIR FOURTH ANNUAL "CALICO FORT" ARTS AND CRAFTS SHOW.

Also:

By Mr. Holley:

H. J. R. 90. COMMENDING THE TAU MU CHAPTER OF PHI THETA KAPPA FROM ENTERPRISE STATE JUNIOR COLLEGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolutions, H. J. R.'s 83, 84, 86, 88, 89 and 90, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hill:

H. J. R. 98. WELCOMING DARRYL SCRUGGS AND CLIFTON TOMLEY FROM THE ALABAMA BOYS INDUSTRIAL SCHOOL IN BIRMINGHAM WHO WILL SERVE THIS WEEK AS PAGES IN THE LEGISLATURE.

WHEREAS, Darryl Scruggs and Clifton Tomley have distinguished themselves by having maintained outstanding academic and vocational training records at the Alabama Boys Industrial School in Birmingham; and

WHEREAS, it has long been recognized as a coveted honor for a young man to be selected to serve as a page within the historic halls of this legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate these young men for their outstanding academic and vocational training records and hereby welcome their services as pages during this week's sessions of the legislature.

RESOLVED FURTHER, That a copy of this resolution be presented to Darryl Scruggs and Clifton Tomley and a copy be sent to the Alabama Boys Industrial School in Birmingham.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolution, H. J. R. 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Plaster and Edwards:

H. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census.

Also:

By Messrs. Sasser and Williams:

H. 236. To amend Sections 3 and 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151) entitled "An Act To create and establish a Court with county wide limited jurisdiction of criminal cases

and civil action at law and in equity which court shall make final record in suits for divorce or separate maintenance, in cases involving domestic relations or the custody of children; to be called the Inferior Court of Dale County, Alabama, to provide for the jurisdiction of said Inferior Court of Dale County, Alabama and the officers thereof; to fix their duties, powers, authority and compensation; to abolish the County Court of Dale County and the Juvenile Court of Dale County and to provide for the transfer of all cases pending in these courts to the newly established court" so as to provide an increase in the jurisdictional amount of said Court, expense allowance for the Judge of said Court in addition to the salary heretofore provided and to provide for the employment of such personnel as is necessary for the efficient operation of said Court.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Section 3 and 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151) entitled "An Act To Create and establish a Court with county wide limited jurisdiction of criminal cases and civil action at law and in equity which court shall make final record in suits for divorce or separate maintenance, in cases involving domestic relations or the custody of children; to be called the Inferior Court of Dale County, Alabama, to provide for the jurisdiction of said Inferior Court of Dale County, Alabama and the officers thereof; to fix their duties, powers, authority and compensation; to abolish the County Court of Dale County and the Juvenile Court of Dale County and to provide for the transfer of all cases pending in these courts to the newly established court" so as to provide an increase in the jurisdictional amount of said Court, expense allowance for the Judge of said Court in addition to the salary heretofore provided and to provide for the employment of such personnel as is necessary for the efficient operation of said Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 25, H. 18, Second Special Session of 1971, (1971 Acts No. 4151), an Act creating and establishing an Inferior Court of Dale County, Alabama, is hereby amended to read as follows:

"Section 3. (a) Except as provided in subsection (b) of this subsection, the Inferior Court of Dale County, Alabama, shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases including actions of unlawful detainer, actions for recovery of land, cases of desertions and non support instituted by virtue of Article 3, Chapter 4, Title 34, Code of Alabama (1940), Civil Proceeding to Compel Support instituted by virtue of Article 4, Chapter 4, Title 34, Code of Alabama

(1940) which are cognizable before the Circuit Court or a county court or the Juvenile Court or justices of the peace or courts created in lieu thereof, and all courts of like jurisdiction. In exercising jurisdiction in Juvenile court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940 and amendments thereto shall apply. It shall have authority to punish contempts by fine not exceeding fifty dollars (\$50) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleading procedure and practice, provided such rules and regulations relative to rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts and records.

“(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand five hundred dollars (\$2,500.00), nor take cognizance of any matter or proceeding in equity except suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

“(c) All criminal and quasi criminal jurisdiction of the justices of the peace in Dale County is abolished except jurisdiction to issue search warrants and warrants of arrest returnable to the Inferior Court of Dale County, Alabama and over proceedings before the Magistrates to keep the Peace in accordance with Article 2, Chapter 20, Title 15, Code of Alabama 1940 as last amended.”

Section 2. Section 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts No. 4151), an Act creating and establishing an Inferior Court of Dale County, Alabama, is hereby amended to read as follows:

“Section 11. (a) A Judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1976 and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

“(b) Immediately after the effective date of this act the Governor shall appoint a Judge of the Inferior Court of Dale County, Alabama, and the person so appointed shall hold office until his successor is elected as provided herein.

“(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Dale County, learned in the law, and has been licensed to practice law in this State for two years. The judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

“(d) The Judge shall receive an annual salary of seventeen thousand dollars (\$17,000) per year to be supplemented by an additional expense allowance of four thousand five hundred dollars (\$4,500) per year. These sums are payable out of the general fund of the county in equal monthly installments as the salaries and expense allowances of other county

officials are paid. The payment of said supplemental expense allowance shall be retroactive to include the month of January 1975 and each subsequent month thereafter.

“(e) The judge shall have authority to: (1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat; (3) administer oaths and take acknowledgements; (4) issue warrants; (5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

“(f) The judge shall keep an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

“(g) The commission shall employ such personnel as is necessary for the efficient operation of the Court and shall determine the amount of said salaries. The salaries set forth herein to be paid out of the general fund of the county.

“(h) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code. Such special judge shall be paid out of the general funds of the county the sum of fifty dollars (\$50) for each day he is called upon to serve during a regular session held pursuant to orders of the court duly spread upon the minutes of the court.”

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 12, 19, 26, and April 2, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me April 10, 1975.

IRENE MATHIS,
Notary Public.

Also:

By Messrs. Sasser and Williams:

H. 237. Relating to Dale County; providing for the position of Legal Secretary to the District Attorney.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Dale County; providing for the position of Legal Secretary to the District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in Dale County the position of Legal Secretary to the District Attorney.

Section 2. The Legal Secretary to the District Attorney shall perform the stenographic and clerical work of the office of the District Attorney in Dale County under the direction of the District Attorney or the Deputy District Attorney; this work may be performed either in the office provided for the District Attorney or in the office of the Deputy District Attorney at the election of the District Attorney.

Section 3. The District Attorney of Dale County is hereby empowered to appoint said legal secretary and said secretary shall serve at the pleasure of the District Attorney.

Section 4. The salary of the Legal Secretary is fixed at not less than \$3,600.00 per annum to be determined by resolution of Dale County Commission or other governing body of said county. The salary shall be paid in equal monthly installments out of the general funds of Dale County Commission or other governing body of said county.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 12, 19, 26, and April 2, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me April 10, 1975.

IRENE MATHIS,
Notary Public.

Also:

By Messrs. Sasser and Williams:

H. 239. To fix the salary for the Deputy District Attorney for Dale County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To fix the salary for the Deputy District Attorney for Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Deputy District Attorney of Dale County is fixed at not less than \$3,600.00 per annum to be determined by resolution of Dale County Commission or other governing body of said county. The salary shall be paid in equal monthly installments out of the general funds of Dale County by the Dale County Commission or other governing body of said county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 12, 19, 26, and April 2, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me April 10, 1975.

IRENE MATHIS,
Notary Public.

Also:

By Mr. Hines:

H. 181. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Also:

By Messrs. Manley, McCorquodale, Pegues, Campbell, Sasser, Carothers, Folmar, Holley, Crowe, Lutz, Armstrong, Lee, Johnson, Robertson, Hilliard, Howard, Harrison, LeFlore and Smith (M):

H. 195. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 76, 236, 237 and 239. To the Committee on Local Legislation No. 1.

H. B. 181. To the Committee on Finance and Taxation.

H. B. 195. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 11. To repeal Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county."

Also:

S. 13. Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract, retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hill:

H. 210. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1975," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

Also:

By Messrs. Hill, Sonnier, Teague and Harrison:

H. 37. Proposing an amendment to the Constitution of Alabama relating to the travel expenses to be paid members of the legislature.

Also:

By Messrs. Brindley, McNeese, Carter, Mitchem, Albright, Roberts and Martin:

H. 247. To permit local governmental units and boards of education and school superintendents to cooperate in order to establish and operate joint educational facilities and services, and to regulate contracts relative thereto.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 210. To the Committee on Judiciary.

H. B. 37. To the Committee on Constitution and Elections.

H. B. 247. To the Committee on Education.

(The above numbered Bill, H. B. 37, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 37. CALLING ON THE FINANCE DIRECTOR TO WORK WITH THE JOINT SELECT COMMITTEE ON STATE CAPITOL BUILDING OFFICE SPACE FOR THE PURPOSE OF SECURING AND ALLOCATING ADDITIONAL SPACE FOR THE USE OF THE LEGISLATURE AND ITS SERVICE ORGANIZATIONS.

Also:

S. J. R. 39. CREATING AN INTERIM COMMITTEE TO STUDY ALL FACETS OF THE STATE PARKS SYSTEM OF ALABAMA.

Also:

S. J. R. 49. NAMING STATE HIGHWAY 183 IN PERRY COUNTY THE "J. C. GRIFFIN HIGHWAY"

Also:

S. J. R. 48. PROCLAIMING SATURDAY, APRIL 26, 1975, AS GEORGE "GOOBER" LINDSEY DAY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 44. CONGRATULATING JOHN S. BOWMAN ON BEING UNANIMOUSLY ELECTED AS PRESIDENT OF THE MONTGOMERY COUNTY CHAPTER OF THE UNIVERSITY OF ALABAMA ALUMNI ASSOCIATION.

Also:

S. J. R. 46. MOURNING THE DEATH OF JUDGE ISAAC JOHNSON OF DANVILLE, ALABAMA.

Also:

S. J. R. 53. COMMENDING FINIS E. ST. JOHN, IV.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of S. J. R. 40, the Speaker of the House appointed Messrs. Reed, Turnham and McNees as House members of the Athens College Legislative On-Site Evaluation Committee.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 118. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE STATE ETHICS ACT.

WHEREAS Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), known as the State Ethics Act, was a well-intentioned but ill-conceived effort to provide this state with effective ethics legislation; and

WHEREAS this Act was not well thought out but was passed in haste, and

WHEREAS the resulting ambiguities and inequities in this Act have caused much confusion and have prompted many objections from all quarters, emphasizing the need for serious reconsideration of this Act; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the State Ethics Act. Such committee shall be composed of the Chairman of the Senate Judiciary Committee, who shall serve as Chairman of the interim committee, and the Chairman of the House Judiciary Committee, who shall serve as Vice-Chairman of the interim committee, five (5) members of the House to be appointed by the Speaker of the House, and five (5) members of the Senate to be appointed by the President of the Senate.

It shall be the duties of the committee to study the provisions of Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), and recommend to the legislature whatever changes, revisions or alternative legislation it deems desirable. Members of the committee shall receive no compensation for their services but shall be entitled to their regular legislative pay and expenses to be paid out of funds appropriated for the use of the Legislature. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the tenth legislative day of its next regular session, whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 118, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. White:

H. J. R. 104. MEMORIALIZING CONGRESS TO ENACT H. R. 5580

WHEREAS, there is a critical need in Alabama for additional funds for wastewater treatment plant construction both to adequately provide for the health of the people of the State, and to assist the local governments of the State in satisfying the goals and requirements of the 1972 Amendments to the Federal Water Pollution Control Act, and

WHEREAS, even under the full funding authorized by Congress in P. L. 92-500, the local governments of Alabama would be extremely hard pressed to provide the funds to construct the necessary wastewater treatment facilities and to meet expensive and continuing requirements relating to the testing and monitoring of effluent from such facilities, and

WHEREAS, \$9 billion in construction funds authorized by P. L. 92-500, which had been impounded by Executive Order during Fiscal Years 1973, 1974, and 1975, has now been released for use in the time period subsequent to Fiscal Year 1975, and

WHEREAS, the original formula used by the Environmental Protection Agency to distribute said funds authorized by P. L. 92-500 was based on an incomplete and totally unrealistic needs survey conducted in 1971 that severely discriminates against Alabama and at least 30 other states, and

WHEREAS, use of the new distribution formula based on need and population to allocate the \$9 billion, which would benefit Alabama and at least 30 other states, would be employed by enactment of H. R. 5580, now pending in Congress, and

WHEREAS, under the original formula which EPA proposes to use to distribute the \$9 billion, Alabama's share would be only \$44 million, but under the new formula set forth in H. R. 5580, Alabama's share would amount to approximately \$120 million; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we urge the Congress of the United States to enact H. R. 5580 or similar legislation which will provide for a more equitable distribution of federal funding for the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Flippo, the Rules were suspended and the Resolution, H. J. R. 104, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for the day, the first item of which was the unfinished business from the Eleventh Legislative Day which was the Bill:

H. 7. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

and pending Fine amendment, which said amendment is set out in the Journal of the Senate for the Eleventh Legislative Day.

Mr. Fine then offered the following amendment to his pending amendment to the Bill, H. B. 7, to-wit:

AMENDMENT TO H. B. 7

Amend House Bill 7, Section 1, by striking the period after the word "Act" at the end of the first sentence and by striking that portion of such section following such word "Act" and inserting in lieu thereof the following:

"unless such utility or telephone company shall first submit to the Alabama Public Service Commission the data under oath supporting the increased charges. The Commission shall maintain such data in locations readily available for inspection by the public at all reasonable times. In addition, the Commission shall promptly audit or cause an audit to be made of each such monthly filing and make the result of such audit available to the public. Any reduction in such customer's billing by reason of the application of any such fuel or tax rate, clause or rider which may become effective on and after the effective date of this Act shall continue to be made in accordance with the provisions thereof."

Which was adopted.

And said Fine amendment, as thus amended, was then adopted by the Senate.

Yeas 20; Nays 14.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Littleton, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Vacca, Wilson.

Nays:

Messrs. Baker, Foshee, Jones, King, Little, McDonald (A), McMillan, Mims, Perry, Shelby, Stewart, Torbert, Waldrop, Weaver.

— 14

Mr. Torbert offered the following substitute for the Bill, H. B. 7, as amended, to-wit:

SUBSTITUTE FOR H. B. 7, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide the procedure and conditions under which any utility regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility service by reason of the application of any fuel or energy clause or rider on and after the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. On or after the effective date of this Act, no utility regulated by the Alabama Public Service Commission shall automatically increase any customer's billing for intrastate utility by reason of application of any fuel or energy clause, or rider above the level of charges imposed by such fuel or energy clause, or rider on the effective date of this Act. Any reduction in such customer's billing by reason of the application of any such fuel or energy clause or rider which may become effective on and after the effective date of this Act shall continue to be made in accordance with the provisions thereof. Any subsequent increases in such fuel or energy clause, or rider may be made by the Alabama Public Service Commission upon application for same by the utility. Any such application, relating solely to any fuel or energy increase, shall be considered on a preferred basis by said Commission, which shall give notice of such filing to the news media, the Governor of Alabama, the State Office of Consumer Protection, and all persons who formally request the Commission to be notified of any such applications. The Commission shall, by order, approve, deny, or modify such applications within a period of thirty (30) days from the date of such filing. In event the Commission should fail to take action on such application within said 30 days the increase applied for shall become effective. Semi-annually the fuel or energy clause, rate, or rider of each utility subject to the jurisdiction of the Alabama Public Service Commission shall be made the subject of a public hearing which shall be comprehensive in nature and include the results of the Commission staff audit and review of all data used in the calculations of the changes in such fuel or energy clause, rate or rider which have been made during the preceding six (6) months. Any changes in such adjustments which the Commission may find are required as the result of such hearings shall be credited to the customer's next bill.

It is contemplated that the procedure referred to in this Act shall relate only to the issue of increases in the cost of fuel or energy. Other factors concerning utility rates shall not be considered in the proceedings contemplated herein.

Section 2. Nothing herein shall be deemed to prohibit or limit the operation of an order of the Alabama Public Service Commission, or a provision of a rate schedule or other tariff of a utility to the extent it permits rate increases or decreases to adjust for increased or decreased costs of gas purchased for resale where such increased or decreased costs shall have become effective under procedures of a Federal regulatory agency or under a contract approved by a Federal regulatory agency. Provided, however, that any subsequent refunds received by any such utility with respect to any such increased costs which become effective under procedures of a Federal regulatory agency shall be refunded by the utility to its customers in the manner directed by the Alabama Public Service Commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

Mr. Fine moved that said substitute for the Bill, H. B. 7, as amended, be laid on the table, which motion was lost.

Yeas 16; Nays 19.

Yeas:

Messrs. Adams, Clemon, Edwards, Fine, Gilmore, Givhan, Littleton, McDonald (S), Noonan, Owen, Pearson, Perloff, Powell, St. John, Vacca, Wilson.

— 16

Nays:

Messrs. Baker, Bank, Ellis, Flippo, Foshee, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Perry, Roberts, Shelby, Stewart, Torbert, Waldrop, Weaver.

— 19

Mr. Fine then offered the following amendment to the substitute for the Bill, H. B. 7, as amended, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 7, AS AMENDED

Amend substitute for House Bill 7, Section 1, by striking the period after the word "Act" at the end of the first sentence and by striking that portion of such section following such word "Act" and inserting in lieu thereof the following:

"unless such utility or telephone company shall first submit to the Alabama Public Service Commission the data under oath supporting the increased charges. The Commission shall maintain such data in locations readily available for inspection by the public at all reasonable times. In addition, the Commission shall promptly audit or cause an audit to be made of each such monthly filing and make the result of such audit available to the public. Any reduction in such customer's billing by reason of the application of any such fuel or energy rate, clause or rider which may become effective on and after the effective date of this Act shall continue to be made in accordance with the provisions thereof."

MOTION TO ADJOURN LOST

At 4:20 P.M., Mr. Fine moved that the Senate adjourn until Tuesday, April 29, 1975, at 10 o'clock A.M., which motion was lost.

Yeas 0; Nays 25.

Yeas:

—0

Nays:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—25

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 73. COMMENDING PAUL FRANCOIS OF PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE FOR INDUCTION INTO THE HALL OF HONOR OF PHI THETA KAPPA.

Also:

H. J. R. 74. COMMENDING MRS. JO MARSHALL FOR PROVIDING THE INSPIRATION AND LEADERSHIP TO THE ALABAMA REGION OF PHI THETA KAPPA.

Also:

H. J. R. 75. COMMENDING PI PI CHAPTER OF PHI THETA KAPPA OF JEFFERSON STATE JUNIOR COLLEGE.

Also:

H. J. R. 76. COMMENDING MISS VENETTE HOOKS UPON HER SELECTION FOR MEMBERSHIP IN MORTAR BOARD AT THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 81. COMMENDING THE CAPITOL GUIDES FOR THEIR FRIENDLY HELPFULNESS TO NEWCOMERS TO THE CAPITOL.

Also:

H. J. R. 83. COMMENDING ROBERT LIPSCOMB UPON HIS BECOMING PRESIDENT OF THE ALABAMA EDUCATION ASSOCIATION.

Also:

H. J. R. 84. REGRETTING THE ILLNESS OF RICKEY BARNETT.

Also:

H. J. R. 86. COMMENDING ROBERT E. BARNETT OF CLAY COUNTY FOR HIS CONTRIBUTIONS TO THE COMMUNITY.

Also:

H. J. R. 88. COMMENDING THE HONORABLE SAM C. PRUETTE UPON HIS RETIREMENT AS MAYOR OF BAY MINETTE.

Also:

H. J. R. 89. CONGRATULATING THE FORT DEPOSIT COMMUNITY ARTS AND ACTIVITIES COMMITTEE ON THE TREMENDOUS SUCCESS OF THEIR FOURTH ANNUAL "CALICO FORT" ARTS AND CRAFTS SHOW.

Also:

H. J. R. 90. COMMENDING THE TAU MU CHAPTER OF PHI THETA KAPPA FROM ENTERPRISE STATE JUNIOR COLLEGE.

Also:

H. J. R. 98. WELCOMING DARRYL SCRUGGS AND CLIFTON TOMLEY FROM THE ALABAMA BOYS INDUSTRIAL SCHOOL IN BIRMINGHAM WHO WILL SERVE THIS WEEK AS PAGES IN THE LEGISLATURE.

Also:

H. J. R. 101. THANKING THE FREEDOM SINGERS OF SNEAD STATE JUNIOR COLLEGE FOR PERFORMING FOR THE ALABAMA LEGISLATURE.

Also:

H. J. R. 103. WISHING J. WILSON BAKER, SHERIFF OF DALLAS COUNTY, A SPEEDY RECOVERY FROM HIS RECENT ILLNESS.

Also:

H. J. R. 104. MEMORIALIZING CONGRESS TO ENACT H. R. 5580.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN LOST

At 4:25 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, April 29, 1975, at 10 o'clock A.M., which motion was lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 56. COMMENDING MISS JANIE RICHET PEARSON.

Also:

S. J. R. 57. COMMENDING AL FOX, JR., ON BEING SELECTED NATIONAL MERIT SCHOLAR.

Also:

S. J. R. 58. HONORING SENATOR J. RICHMOND PEARSON UPON BEING CHOSEN BY THE KAPPA ALPHA PSI FRATERNITY, INC. AS "KAPPA MAN OF THE YEAR."

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 20

S. B. 63

S. B. 101

S. J. R. 25

S. J. R. 31

S. J. R. 40

S. J. R. 41

S. J. R. 42

S. J. R. 43

Delivered to the Governor, April 22, 1975, at 4:35 P.M.

S. B. 62

S. B. 51

S. B. 70

S. B. 99

Delivered to the Governor, April 24, 1975, at 2:45 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:26 P.M., on motion of Mr. Littleton, in accordance with Joint Resolution heretofore adopted and pending further consideration of the Bill, H. B. 7, the Senate adjourned until Tuesday, April 29, 1975, at 10 o'clock A.M.

THIRTEENTH LEGISLATIVE DAY

TUESDAY, APRIL 29, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. Phillip Black, Minister, Cloverdale Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 11. To repeal Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county."

Also:

S. 13. Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract, retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

Also:

S. J. R. 37. Calling on the Finance Director to work with the Joint Select Committee on State Capitol Building office space.

Also:

S. J. R. 39. Creating an Interim Committee to study facets of the State Parks System.

Also:

S. J. R. 44. Congratulating John S. Bowman.

Also:

S. J. R. 46. Mourning the death of Judge Isaac Johnson.

Also:

S. J. R. 48. Proclaiming Saturday, April 26, 1975, as George "Goober" Lindsey Day.

Also:

S. J. R. 49. Naming State Highway 183 in Perry County the "J. C. Griffin Highway."

Also:

S. J. R. 53. Commending Finis E. St. John, IV.

Also:

S. J. R. 56. Commending Miss Janie Richet Pearson.

Also:

S. J. R. 57. Commending Al Fox, Jr., on being selected National Merit Scholar.

Also:

S. J. R. 58. Honoring Senator J. Richmond Pearson upon being chosen "Kappa Man of the Year."

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 81. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Also:

S. 75. To appropriate \$5,000 from the state general fund to the Chilton County Peach Festival Committee.

Also:

By Messrs. Bank, Mims and Shelby:

S. 40. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 58. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Also:

S. 29. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee and to provide appropriation therefor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 54. To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

Also:

S. 64. To provide for a summary distribution of estates of certain decedents when such estates are comprised of personal property only and the value thereof is \$3,000 or less; to provide for the transfer by affidavit, without administration of the properties of the estates of such decedents.

Also:

S. 19. To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

Also:

S. 32. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of

acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and buildings, facilities and improvements for the accommodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gifts, and souvenir shops, boat service and storage facilities, and laundrettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporations, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

By Messrs. King and Jones:

S. 10. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 57. To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacture, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Perloff, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 57, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 57

Amend S. B. 57 by deleting the word "current" on line 32 of page 2 and inserting in lieu thereof the words, viz: 1975 regular

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE ON H. B. 25

We, your Committee on Conference appointed to reconcile the difference between the two Houses concerning H. B. 25 beg leave to report as follows:

That the Senate of Alabama and the House of Representatives concur in and adopt the following:

Add the following section at the end of this bill:

“This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Conferees of the House:

John A. Teague

Larry Morris

Dewey White, Jr.

Conferees of the Senate:

George McMillan

U. W. Clemon

B. Bank

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McMillan, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 25, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—29

Nays:

—0

BILL RE-REFERRED

Mr. Littleton moved that the Bill, H. B. 234, be removed from the Standing Committee on Local Legislation No. 1 and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 234, re-referred to the Standing Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mrs. Quarles, et al:

H. 67. Making a supplemental appropriation to the Secretary of State.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hines (With Amendment):

H. 181. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Mr. Flipppo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Johnstone, et al:

H. 38. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

By Mr. Manley, et al:

H. 195. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 13. To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to pay of legislative interim committee members, so as to allow such members to receive the regular legislative per diem plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turnham (With Amendment):

H. 55. To name Alabama Highway 10 from Abbeville to Fort Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan, et al:

H. 224. To amend Code of Alabama 1940, Title 17, Section 286, which enumerates and defines corrupt practices generally so as to provide that it shall not be a corrupt practice for a corporation to contribute to a non-partisan committee dedicated to the support or defeat of a proposed

amendment to the Constitution of Alabama designed to promote the further development and use of the state's waterways, rivers, ports or harbors or to the further commercial or industrial development of the state.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Plaster and Edwards:

H. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census.

By Messrs. Sparks and Crowe:

H. 227. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an expense account for the Deputy Sheriffs and to provide for the payment of the same.

By Mr. Sparks:

H. 233. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

By Messrs. Plaster and Lockett:

H. 235. Relating to all counties having populations not less than 24,000 nor greater than 24,800 according to the most recent federal decennial census; to provide an expense allowance for the coroner.

By Messrs. Sasser and Williams (with notice and proof):

H. 236. To amend Sections 3 and 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151) entitled "An Act To create and establish a Court with county wide limited jurisdiction of criminal cases and civil action at law and in equity which court shall make final record in suits for divorce or separate maintenance, in cases involving domestic relations or the custody of children; to be called the Inferior Court of Dale County, Alabama, to provide for the jurisdiction of said Inferior Court of Dale County, Alabama and the officers thereof; to fix their duties, powers, authority and compensation; to abolish the County Court of Dale County and the Juvenile Court of Dale County and to provide for the transfer of all cases pending in these courts to the newly established court" so as to provide an increase in the jurisdictional amount of said Court, expense allowance for the Judge of said Court in addition to the salary heretofore provided and to provide for the employment of such personnel as is necessary for the efficient operation of said Court.

By Messrs. Sasser and Williams (with notice and proof):

H. 237. Relating to Dale County; providing for the position of Legal Secretary to the District Attorney.

By Messrs. Sasser and Williams (with notice and proof):

H. 239. To fix the salary for the Deputy District Attorney for Dale County.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McNair and Falkenburg (With Substitute):

H. 183. To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 5 administrative assistants to the said governing body to serve at the pleasure of the governing body.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Lee, Johnson and Clark:

H. 168. Relating to the sixth judicial circuit; to provide further for the compensation of supernumerary judges who retire from the sixth judicial circuit.

By Mr. Dial:

H. 222. To provide for the maintenance of rights-of-way in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Manley, Pegues, Edwards and Lockett:

H. 204. To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical commission of the State of Alabama to the Alabama Historical Commission.

By Messrs. Manley, Pegues, Lockett, Edwards and Clark:

H. 205. To transfer Richmond Pearson Hobson Memorial Home, a property on the National Register of Historic Places, owned by the Richmond Pearson Hobson Memorial Board of the State of Alabama to the Alabama Historical Commission.

Mr. Baker, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (B), et al:

H. 166. To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties."

By Mr. Smith (B), et al:

H. 165. To amend the power of the State Board of Medical Examiners over the granting of certificates of qualification to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualifications; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Campbell, Edwards and Cates:

H. 80. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mrs. Quarles (With Substitute):

H. 240. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Malone (With Amendments):

H. 184. To provide that the employees of any city lying within any county which has a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the Circuit Court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this Act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act.

RESOLUTION

Messrs. Torbert and Stewart offered the following Senate Joint Resolution, to-wit:

S. J. R. 59. BE IT RESOLVED by the Legislature, both houses thereof concurring, that the provisions of S. J. R. 13, Act 25, Third Special Session, 1975, are hereby rescinded for the remaining days of this Third Special Session, 1975.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first item of which was the unfinished business from the Twelfth Legislative Day, which was the Bill:

H. 7. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

as amended. The question was on the Fine amendment to the Torbert substitute for the Bill, H. B. 7, as amended, which said amendment and substitute are set out in the Journal of the Senate for the Twelfth Legislative Day.

RESOLUTION

Messrs. Foshee and Torbert offered the following Senate Resolution, to-wit:

S. R. 60. Be it resolved by the Senate of Alabama that Senate Resolution 47 passed at the 1973 Regular Session be amended to read as follows: "Be it resolved by the Senate of Alabama that all senate business be transacted between the hours of 8:30 a. m. and 5:00 p. m. except during the last two days of the Third Special Session of 1975."

Which was read and referred to the Standing Committee on Rules.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Owen, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Johnstone, Hines, Wyatt, LeFlore, Coburn, Hill, Gafford, White, Moore (O), Trammell, Falkenburg, Holmes and Pegues:

H. 238. Relating to surety bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 238. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Shelton:

H. 148. Relating to public schools with 4 or more teachers; prohibiting the state board of education from closing such schools by withholding funds or otherwise, except by approval of the local board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 148. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Wyatt and Plaster:

H. 215. To designate the honey bee as the official state insect for the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 215. To the Committee on Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M), Baker, Sasser, Warren and Cooper:

H. 19. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 19. To the Committee on Commerce, Transportation, and Utilities.

RECESS

At 12:40 P.M., on motion of Mr. Weaver, the Senate took a recess until 2 o'clock this afternoon.

Yeas 13; Nays 11.

Yeas:

Messrs. Bank, Edwards, Fine, Gilmore, Givhan, King, Littleton, McMillan, Pearson, Powell, St. John, Shelby, Weaver.

—13

Nays:

Messrs. Baker, Flipppo, Foshee, Jones, Little, McDonald (A), Noonan, Owen, Perry, Stewart, Torbert.

—11

AFTERNOON SESSION

THIRTEENTH LEGISLATIVE DAY

TUESDAY, APRIL 29, 1975

The Senate re-assembled in the Senate Chamber, Lieutenant Governor Beasley presiding.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 10. To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; To allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts

necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

Also:

S. 19. To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

Also:

S. 29. To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee and to provide appropriation therefor.

Also:

S. 32. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and buildings, facilities and improvements for the accommodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gifts, and souvenir shops, boat service and storage facilities, and laundrettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues,

securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporations, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

Also:

S. 40. Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Also:

S. 54. To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

Also:

S. 57. To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacture, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

Also:

S. 58. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Also:

S. 64. To provide for a summary distribution of estates of certain decedents when such estates are comprised of personal property only and the value thereof is \$3,000 or less; to provide for the transfer by affidavit, without administration of the properties of the estates of such decedents.

Also:

S. 75. To appropriate \$5,000 from the state general fund to the Chilton County Peach Festival Committee.

Also:

S. 81. To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 7

The Senate proceeded to further consideration of the Bill, H. B. 7, as amended. The question was on the Fine amendment to the Torbert substitute for the Bill, H. B. 7, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 12. CREATING A JOINT INTERIM COMMITTEE TO STUDY REAL ESTATE PRINCIPLES, PRACTICES AND THE UPGRADING OF REAL ESTATE OPERATING AND LICENSING LAWS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 5. Authorizing the county commission of Marengo County to pay the sheriff of Marengo County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Also:

H. 43. Relating to counties having populations not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Also:

H. 49. To amend Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds"; so as to further regulate the salary of the county superintendent of education.

Also:

H. 50. Relating to Limestone County; providing further for the compensation of election officials.

Also:

H. 51. Relating to Limestone County; to provide further for the compensation for the members of the jury commission.

Also:

H. 52. To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit.

Also:

H. 72. To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

Also:

H. 99. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Also:

H. 105. To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to redesignate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Also:

H. 110. Relating to counties having a population of not less than 15,400 nor more than 15,625 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Also:

H. 113. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

H. 114. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

H. 115. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the LaGrange Historical Commission, by members of the legislative delegation representing the County.

Also:

H. 116. Relating to all counties having populations of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

H. 118. To amend Act No. 527, H. 1330, Regular Session 1973 (Acts 1973, p. 768), entitled, "An Act Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize the county commission of such counties to expend county funds for certain public recreation programs for minors up to 19 years of age," so as to provide further for such programs in such counties.

Also:

H. 135. To authorize and empower the Library Board of any county with a population of not less than 35,000 nor more than 38,000 inhabitants to name the library building and the archives building located in any such county for any person whether living or deceased even though state funds may be used to finance the building, wholly or in part.

Also:

H. 150. To provide an additional expense allowance to the judge of the 17th judicial circuit.

Also:

H. 151. Relating to Marengo County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 160. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

H. 161. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

H. 162. Relating to all counties having populations of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

H. 177. Relating to Perry County; providing for the opening, construction, repair, and maintenance of certain drives and roadways by the county.

Also:

H. 178. Authorizing the county commission of Perry County to provide for not more than two additional clerks to assist the probate judge of Perry County in the performance of his duties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 114. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Jones, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 114, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 114

A BILL TO BE ENTITLED AN ACT

Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any incorporated municipality in this state having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census.

Section 2. In cities to which this act applies, for the safety of the citizens, Fieldcrest Drive shall not be opened to actual traffic at any point where it has a grade level crossing with a railroad.

Section 3. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 68. To amend Section 1 of Act No. 1024, S. 461, Regular Session 1973, (Acts 1973, p. 1561) which act provides for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges so as to further regulate said salaries or compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 68, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 68

A BILL
TO BE ENTITLED
AN ACT

Relating to the sixth judicial circuit; to provide further for the compensation of supernumerary judges who retire from the sixth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any supernumerary circuit judge who retires from the sixth judicial circuit shall be entitled to receive as additional compensation payable from the treasury of the county comprising the sixth judicial circuit a sum equal to 40% of the compensation paid said judge by the State of Alabama. The salary or compensation provided for herein shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds. The salary or compensation provided for herein shall be the total supplementary salary or compensation to be paid said supernumerary circuit judges out of the county treasury and the provisions of this act shall supersede and repeal the provisions of Act No. 1024, S. 461, 1973 Regular Session (Acts of 1973, p. 1561), only insofar as it applies to the Sixth Judicial Circuit.

Section 2. This act shall become effective February 1, 1977.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (J):

H. J. R. 87. TO PROVIDE FOR THREE CONFERENCES TO BE ATTENDED BY MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE SENATE, MEMBERS OF THE ALABAMA CONSTITUTIONAL COMMISSION AND OTHER DESIGNATED LEGISLATORS.

WHEREAS, the Alabama Constitutional Commission was created by Act No. 753, approved September 12, 1969, (Acts 1969-70, Vol. II, p. 1330) and continued by Act No. 95, approved May 11, 1971 (Acts 1971, Vol. I, p. 165); and

WHEREAS, the Alabama Constitutional Commission made its final report to Governor George C. Wallace and to the Legislature on May 1, 1973; and

WHEREAS, it is desirable for certain members of the Legislature of Alabama to have an opportunity to meet with the Alabama Constitutional Commission to gain knowledge of the final report of the Commission.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the House Committee on Constitution and Elections, the members of the Senate Committee on Constitution and Elections, the Chairman of the House Judicial Committee, the Chairman of the Senate Judicial Committee, three additional members of the House of Representatives to be designated by the Speaker of the House and three additional members of the Senate to be designated by the President of the Senate be authorized to attend a joint conference with the Alabama Constitutional Commission on three, three day, week ends, the time and place of each such conference to be determined by the Chairman of the Constitution and Elections Committee of each house.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 87, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Waggoner:

H. J. R. 134. CREATING A JOINT INTERIM STUDY COMMITTEE ON EXTERMINATING COMPANIES.

WHEREAS many members of the Legislature have been receiving complaints from their constituents in regard to exterminating companies and particularly the purported "bonds" they issue; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim study committee on exterminating companies which shall be composed of three members of the House and three members of the Senate appointed by the presiding officers of each house. The committee shall meet, choose its chairman, and study and investigate the exterminating business in this state, giving particular emphasis to the so called "bonds" issued by exterminating companies. They shall file their report and recommendation to the Legislature not later than the thirtieth legislative day of the 1975 Regular Session. Members of said study committee shall serve without pay.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 134, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 136. AMENDING SECTION (d) OF S. J. R. 15, ACT No. 15, ORGANIZATIONAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Section (d) of S. J. R. 15, Act No. 15, Organizational Session 1975, be amended to read as follows:

"(d) The Study Committee shall prepare a written report of its findings and proposed legislation to the Governor and to each member of the Legislature by no later than May 1, 1976, and such Study Committee shall stand discharged upon submission of its written report."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 136, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sasser:

H. J. R. 111. URGING THE STATE BOARD OF EDUCATION TO EMPLOY AS SUPERINTENDENT OF EDUCATION AN ALABAMIAN WITH LONG AND SINCERE INTEREST IN EDUCATION IN THIS STATE.

WHEREAS, We, the members of the Alabama House of Representatives, realize that it is the responsibility of the State Board of Education to employ the State Superintendent of Education; and

WHEREAS, We, as members of the Alabama House of Representatives, have nevertheless a keen and lasting interest in all facets of education in this State.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we believe that the Chief State School Officer should be an Alabamian with long and sincere interest in education in this State.

While we realize the criteria will be established by the State board, we respectfully request that the above mentioned requirement be among the first of the requirements. We pledge our support and our efforts toward better education in the great State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 111, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 78. To exempt The Diabetes Trust Fund, Inc. from the payment of all state, county, and municipal sales and use taxes and provides for retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 4. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of certain county officials by members of the legislative delegation.

Also:

S. 98. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

S. 100. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 115. Relating to all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to authorize the governing bodies of said counties to increase salaries of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

Also:

S. 69. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Also:

S. 71. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Holley and Folmar:

H. 244. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

Also:

By Mr. Roberts:

H. 163. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Also:

By Messrs. Falkenburg, Waggoner, Biddle and White:

H. 78. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 244. To the Committee on Local Legislation No. 1.

H. B.'s 163 and 78. To the Committee on Health and Welfare.

RESOLUTION

Messrs. Ellis, Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 61. COMMENDING REPRESENTATIVE PETE TURNHAM ON BEING ELECTED CHAIRMAN OF THE SOUTHERN INTERSTATE NUCLEAR BOARD

WHEREAS our distinguished colleague Representative Pete Turnham of Auburn was recently elected chairman of the Southern Interstate Nuclear Board; and

WHEREAS the Southern Interstate Nuclear Board is a compact between 17 states and Puerto Rico to promote the peaceful use of atomic energy; and

WHEREAS the Southern Interstate Nuclear Board as an arm of the Southern Governor's Conference also promotes the bringing of nuclear-associated industry to the South and was recently expanded by the 1972 Southern Governor's Conference to include all types of energy-related industry; and

WHEREAS Representative Turnham is the first Alabamian selected to head the Southern Interstate Nuclear Board; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Representative Turnham on being elected chairman of the Southern Interstate Nuclear Board.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative Turnham.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 53. To establish an Alabama Rehabilitation Program for the Homebound to supply medical and attendant care for the homebound handicapped; to provide for supplies, equipment, transportation, and home modification for handicapped persons; and to appropriate funds to be administered by the Division of Rehabilitation and Crippled Children Service of the Department of Education.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—27

Nays:

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FURTHER CONSIDERATION OF H. B. 7

The Senate proceeded to further consideration of the Bill, H. B. 7, as amended. The question was on the Fine amendment to the Torbert substitute for the Bill, H. B. 7, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to deny to each such hospital authority the power of eminent domain; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate non-concurred in the following House amendment to the Bill, S. B. 82, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 82

A BILL
TO BE ENTITLED
AN ACT

To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall be governed by a Board of Directors; to prescribe the manner of appointment and terms of the members of said Board; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals except as otherwise limited in this act, and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it, to deny to each such hospital authority the power of eminent domain and governmental immunity; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize in each of the several counties of the state the organization of a public corporation or corporations for the purpose of acquiring, owning and operating public hospitals and other health-care and related facilities in the county in which such corporation shall be organized. It is the legislative intent to confer on corporations organized hereunder all the powers requisite for the fulfillment of the purposes of their organization, including the power to do whatever financing may be necessary to accomplish such purposes. This act shall be liberally construed to give effect to its purpose. Corporations organized hereunder shall be public, non-profit corporations, and no part of the net earnings thereof shall inure to the benefit of any individual or private corporation.

Section 2. Definitions. The following words, wherever used herein, shall, unless the context clearly indicates otherwise, have the following respective meanings:

(a) "corporation" means a corporation organized pursuant to the provisions of this act;

(b) "county" means any county in this state;

(c) "member" means the county that is a member of a corporation organized pursuant to the provisions of this act and each municipality that is at the time a member of such corporation;

(d) "securities" means notes, bonds, certificates of indebtedness, warrants, or other evidences of indebtedness;

(e) "hospital" includes the plural as well as the singular and means any one or more of buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, cure or convalescence of sick, injured, mentally ill or disturbed persons or for the prevention of sickness and disease or for the care, treatment and rehabilitation of alcoholics or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons or in preventive medicine and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or in preventive medicine or the records of such diagnosis or treatment or research with respect to any of the foregoing, or dormitories or residences for hospital personnel and students and other employee-related facilities, together with (i) all real and personal properties for the location or better utilization of any such buildings and facilities, such as parking structures and areas, garages, storage facilities and out-buildings, and (ii) machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid buildings and facilities;

(f) "chief executive officer" means, with respect to a county, the probate judge as ex officio principal judge of the county commission or the president or chairman of such commission and, with respect to a municipality, the mayor, president or chairman of the commission or other chief executive officer of such municipality; and

(g) "governing body" means, with respect to a county, the county commission and, with respect to a municipality, the council, commission or other governing body of such municipality.

Section 3. Authority to Incorporate. Any county and any one or more municipalities located (in whole or in part) in such county are hereby together empowered and authorized to cause to be organized and incorporated one or more public corporations for hospital purposes with all the power and authority hereinafter provided. Such power and authority shall be exercised by the governing body of the county and by the governing body or bodies of the municipality or municipalities proposing to exercise such power and authority. The determination of such governing body to exercise the power and authority herein granted shall be evidenced by a resolution which (a) shall declare the desirability of organizing and incorporating a public corporation for hospital purposes under this act, (b) shall approve the form of the certificate of incorporation proposed to be used in organizing the corporation, (c) shall find and determine that it is wise, expedient, necessary or advisable that the corporation be formed, and (d) shall authorize its chief executive officer to proceed with the organization and incorporation of such public corporation. Whenever the governing bodies of the county and of the municipality or municipalities which are to be members of such public corporation shall have adopted such resolutions, the chief executive officer of each of them shall sign the certificate of incorporation and cause the same to be filed as hereinafter provided.

Section 4. Certificate of Incorporation. The certificate of incorporation of any public corporation incorporated under this act shall state: (1) the name of the corporation, which shall be "Hospital Authority of _____" or "_____ Hospital Authority" (the blank space to be filled in with the names of the county and of the municipality or municipalities which are to be members thereof or with the name of any hospital proposed to be acquired by the corporation or with such other descriptive name as in the judgment of the members of the corporation is appropriate); (2) the names of the county and the municipality or municipalities which are to be members of the corporation; (3) the dates of adoption by the governing bodies of the county and such municipality or municipalities of their respective resolutions authorizing the incorporation of the corporation; (4) the location of the principal office of the corporation and its post office address; (5) the period for the duration of the corporation (if the duration is to be perpetual, that fact shall be stated); and (6) the objects for which the corporation is organized, including (if appropriate) the name of any existing hospital the ownership or operation of which is proposed to be acquired and assumed by the corporation. The certificate of incorporation may also include any provision or provisions for the regulation and conduct of the affairs of the corporation which are not inconsistent with this act and the laws of the State of Alabama. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this state to take acknowledgments to deeds. The certificate of incorporation shall be filed in the office of the judge of probate of the county which is to be a member of the corporation; and said judge of probate shall forthwith file such certificate and record the same, and thereupon the corporation described in said certificate of incorporation shall constitute a public corporation under the name stated in the certificate of incorporation. As soon thereafter as convenient, the judge of probate shall transmit a copy of the certificate of incorporation to the secretary of state.

Section 5. Amendment of Certificate of Incorporation. The certificate of incorporation of any public corporation incorporated under

this act may at any time and from time to time be amended in the following manner: The board of directors of the corporation shall adopt a resolution setting forth the proposed amendment, which may include any proposed change in the name of such corporation, the inclusion of another municipality or municipalities as members thereof [provided that each of such other municipalities is located (in whole or in part) in the county which is a member of the corporation], and any matter which might originally have been included in the certificate of incorporation. If the governing body of the county and of each other member of the corporation and the governing body of each municipality (if any) which it is proposed shall be added as a member of the corporation shall by resolution consent to such proposed amendment, the chairman and the secretary of the corporation shall then file, in the office of the judge of probate in the county in which the certificate of incorporation of the corporation is filed, a certificate in the name and on behalf of the corporation, under its corporate seal, reciting the adoption of the said respective resolutions by the board of directors and by the governing bodies of the county and of such municipalities, and setting forth the proposed amendment. The proposed amendment shall become effective upon the filing of such certificate in the said office.

Section 6. Board of Directors. The corporation shall have a board of directors in which all powers of the corporation shall be vested. The board of directors shall consist of (a) two persons elected by the governing body of the county, (b) two persons elected by the governing body of the largest of the member municipalities (according to the Federal Decennial Census next preceding the date of the filing of the certificate of incorporation of the corporation for record), (c) one person elected by the governing body of each of the other member municipalities, (d) two persons [each of whom shall be, at the time of his appointment, a physician licensed to practice the profession of medicine in the county, resident in the county and engaged in the full-time private practice of medicine] elected at a mass meeting of the licensed physicians resident in the county, and (e) two persons elected or appointed by a majority vote of all the active circuit judges of the judicial circuit in which the county is located (or, in the event that there is at the time only one active circuit judge in said circuit, by such judge) and whose names shall be certified to the corporation by instrument in writing signed by the presiding judge of such circuit (and of those initially so elected and appointed by said circuit judge or judges, one shall be designated an "A" director and the other a "B" director), and (f) one person elected or appointed by the Board of Trustees of the University of Alabama in any county where there is a campus of the University of Alabama is located, and (g) two persons elected or appointed by the Central Labor Council in any county where there is a Central Labor Council located. Each member of the board of directors must be a duly qualified elector of the county.

The chief executive officer of the county shall, promptly after the certificate of incorporation of the corporation has been filed for record, as well as within a reasonable time prior to the expiration of the term of office of any director elected at a mass meeting of the physicians in the county and as promptly as practicable after the death, resignation or other vacation of office of any such director, cause to be published one time in a newspaper published in the county a notice of call of a meeting of all the licensed physicians resident in the county, for the purpose of electing one or more directors (as appropriate), and shall specify in such notice the place thereof (which shall be a public place located in the county) and the time thereof (which shall be not less than ten days after the date of such

publication). The chief executive officer of the county, or his designee, shall preside (but shall have no vote) at each such meeting and shall thereafter issue to the corporation a certificate in writing showing the name or names of the director or directors elected thereat. Such election shall be held in such manner as the physicians attending such meeting shall provide, and any such meeting may be held and one or more directors elected thereat if at least one-third of the total number of licensed physicians resident in the county are present.

The first term of office of the directors elected by the governing bodies of each of the member municipalities shall expire on the May 1 of the calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The first term of office of the directors elected by the governing body of the county and of the "A" director elected or appointed by the active circuit judge or judges of the county as aforesaid shall expire on the May 1 of the second calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The first term of office of the directors elected at the aforesaid mass meeting of all the physicians in the county and of the "B" director elected or appointed by the active circuit judge or judges of the county as aforesaid shall expire on the May 1 of the third calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The term of office of each director elected or appointed thereafter (other than one elected or appointed to fill an unexpired term) shall be three years. Each director elected or appointed by the University of Alabama or the Central Labor Council shall serve for a three-year term after the date of appointment. Each member of the board of directors shall serve until his successor is elected and shall qualify. If any director dies or resigns or ceases to be a duly qualified elector of the county or becomes incapable or otherwise ineligible to act as a director, a successor to serve for the unexpired period of his term shall be elected or appointed by the electing or appointing authority by whom the deceased, resigning, incapable or ineligible director was elected. Directors shall be eligible to succeed themselves in office. The members of the board of directors shall serve without compensation, except they may be reimbursed for actual expenses incurred in the performance of their duties as directors.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the corporation. The board of directors shall hold regular meetings at such times as may be provided in the bylaws of the corporation; and such board may hold other meetings at any time and from time to time, provided that upon call of the chairman or a majority of the total number of directors, a special meeting of the board of directors must be held. Whenever any notice is required hereby or by the bylaws of the corporation to be given of any meeting of the board of directors, a waiver thereof in writing signed (whether before or after such meeting) by the person or persons entitled to such notice shall be the equivalent to the giving of such notice. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board of directors shall be taken by yeas and nays and entered upon the

record. All proceedings of the board of directors shall be reduced to writing by the secretary of the corporation, recorded in an appropriate book or books. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified. All board meetings of the hospital authorities shall be open to the public except as otherwise provided by law. Any member of the board of directors may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of officers mentioned in said Section 175.

Section 7. Officers. The officers of the corporation shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board of directors shall deem necessary to accomplish the purposes for which the corporation was organized. The chairman and the vice-chairman of the corporation shall be elected by the board of directors from its membership, but neither the secretary, the treasurer nor any of the other officers of the corporation need be a member of the board of directors. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman and the vice-chairman of the corporation shall be elected by the board of directors for a term of one year, and the secretary, the treasurer and the other officers of the corporation shall be elected by the board of directors for such terms as it deems advisable. The board of directors shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the board of directors. The duties of any other officers of the corporation shall be such as are from time to time prescribed by the board.

Section 8. Powers of Corporation. The corporation shall have all the powers and authority inhering in, or conferred upon, counties in the State of Alabama operating public hospitals, except as otherwise provided, as well as the following specific powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as herein provided; (2) subject to the limitations contained in the preceding provisions of this Section 8, to sue and be sued in its own name in civil (including *ex delicto* and *ex contractu*) actions; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt bylaws and amend the same; (5) to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real and personal property of every description, and to manage and dispose of the same by any form of legal conveyance or transfer; (6) to acquire, construct, equip, enlarge, improve, maintain and operate one or more hospitals, and to do all things necessary to that end; (7) to contract with any institution for the instruction of medicine to provide training for nurses, technicians and other technical, professional and para-medical personnel upon such terms, conditions and number of years as they may determine; (8) to conduct training schools; (9) to provide scholarships for students to be engaged in essential duties peculiar to the operation of such hospitals in such manner as they may determine; (10) to select and appoint medical staff and dental staff members and others licensed to practice the healing arts and to

delineate and define the privileges granted each such individual; (11) to affiliate with, and contract to provide training and clinical experience for students of, other institutions upon such terms and conditions as it may determine; (12) to rent, lease or contract for the operation of any department, section, equipment or holdings of the corporation upon such terms and conditions as it may determine; (13) to borrow money for any corporate purpose and to issue interest-bearing securities (including bonds, notes and certificates of indebtedness) in evidence of any such borrowing; (14) to mortgage, pledge or otherwise convey its property and its revenues from any source; (15) to appoint and employ such officers and agents, including attorneys, as the business of the corporation may require; (16) to establish, collect and alter charges for services rendered and supplies furnished by it; (17) to make all needful or appropriate rules and regulations for the conduct of any hospital owned or operated by it and to alter such rules and regulations; (18) to provide for such insurance as the corporation may deem advisable; (19) to cooperate with the State Board of Health and the State Department of Mental Health; (20) to make such contracts with either of said agencies as the board of directors of the corporation may deem advisable respecting the operation of any hospital; (21) to receive and accept grants from the United States of America, the State of Alabama and any county or municipality located in said state, and from any agency or instrumentality thereof, and to give such assurances (contractual or otherwise) to or for the benefit of any such grantor as may be required in connection with, or as conditions precedent to the receipt of, any such grant; (22) to give such assurances (contractual or otherwise) and to make such commitments and agreements as may be necessary or desirable to preclude the exercise of any rights of recovery with respect to, or the forfeiture of title to, any of its hospitals or other property or any hospital or other property proposed to be acquired by it; (23) to make and alter rules and regulations for the treatment of indigent patients; (24) to assume any obligations of any entity that conveys and transfers to the corporation any hospital or hospital properties, or interest therein (provided that such obligations appertain to the hospital or hospital properties so conveyed and transferred to the corporation); (25) to assume, establish, fund and maintain retirement, pension or other employee-benefit plans for its employees; and (26) to invest any of its moneys in (a) securities that are direct obligations of, or the payment of the principal of and the interest on which is unconditionally guaranteed by, the United States of America, (b) securities that are direct obligations of any agency of the United States of America, (c) interest-bearing deposits (including certificates of deposits) of any bank organized under the laws of the United States of America or any state thereof, and (d) securities of the corporation.

Section 9. Borrowing by the Corporation. All securities of the corporation shall be signed in the name and behalf of the corporation by its chairman and attested by its secretary but a facsimile of the signature of one, but not both, of such officers may be printed thereon in lieu of the manual signature of such officer, and the seal of the corporation shall be affixed thereto or a facsimile thereof printed thereon. Any interest coupons applicable to any securities of the corporation shall be signed by its chairman, but a facsimile of such chairman's signature may be printed on any such interest coupons in lieu of his manually signing the same. Any securities of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denomination and of such tenor and maturity or maturities (not exceeding forty years from

their date), shall contain such provisions not inconsistent herewith, and shall bear such rate or rates of interest (without regard to any laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended) payable and evidenced in such manner as may be provided by the resolution of the board of directors authorizing the same or by the trust or mortgage indenture under which issued. Any borrowing may be effected by the issuance and sale of such securities in such manner, at such price or prices, at such time or times and on such other terms and conditions as may be determined by the board of directors to be most advantageous, without regard to any statute that might otherwise require a public advertised sale. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing done by it. Securities issued by the corporation shall not be general obligations of the corporation but shall be payable solely from the sources specified in the resolution of the board of directors authorizing the same or in the trust or mortgage indenture under which issued. As security for payment of the principal of and the interest (and premium, if any) on any securities issued by it, the corporation may mortgage, pledge or otherwise convey any of its property and any of its revenues from any source, including, but without limitation, any one or more of the following: (a) any taxes which may be levied for the benefit of the corporation or any hospital owned or operated by it or the proceeds of which may have been appropriated to the corporation (or to or for the benefit of any hospital owned or operated by it) by the legislature or by the governing body of a county or a municipality, and (b) revenues from any hospital owned or operated by it. Any mortgage or trust indenture executed on behalf of the corporation as security for any of its securities, and any resolution of the board of directors authorizing the issuance of any such securities, may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of its properties, the application and use of the taxes or revenues (or both) out of which any such securities are payable, the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made and the rights and remedies in the event of default, and may also contain provisions restricting the individual rights of action of the holders of any such securities; and any such mortgage or mortgage indenture may also provide that in the event of any default thereunder, it may be foreclosed either by sale at public outcry or by judicial proceedings and that the trustee under such mortgage or mortgage indenture or the holders of any securities secured thereby may become the purchaser at any foreclosure sale if the highest bidder. Any such mortgage or mortgage indenture may be filed in the office of the judge of probate of any county in which any of the property (real, personal or mixed) subject to the lien thereof is, or is anticipated to be, located, and the lien of such mortgage or mortgage indenture shall, with respect to all personal property and fixtures subject thereto (including after-acquired property) and notwithstanding any contrary provisions of and without compliance with the Uniform Commercial Code, be valid and binding against all parties having claims of any kind against the corporation, irrespective of whether the parties have actual notice thereof, from the time such mortgage or mortgage indenture is so filed. Any such pledge of any such taxes or revenues shall be valid and binding from the time it is made, and the taxes or revenues so pledged and thereafter received by the corporation shall immediately become subject to the lien of such pledge without any phys-

ical delivery thereof or further act. The lien of such pledge shall, notwithstanding any contrary provisions of the Uniform Commercial Code and without compliance with the provisions thereof, be valid and binding against all parties having claims of any kind against the corporation, irrespective of whether the parties have actual notice thereof, from the time there is filed in the office of the judge of probate of the county a notice stating the date on which the resolution authorizing the issuance of the securities was adopted by the board, the principal amount of the securities issued, a brief description of the taxes or revenues so pledged and a brief description of any property the revenues from which are so pledged.

All debts created and securities issued by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the State of Alabama or of any county or municipality. The faith and credit of the State of Alabama or of any county or municipality therein shall never be pledged for the payment of any securities issued by the corporation. All securities issued by the corporation shall be construed to be negotiable instruments although payable solely from one or more specified sources. All securities issued by the corporation, the income therefrom, and all mortgages and other instruments executed as security therefor, all leases made pursuant to the provisions hereof and all revenues derived from any such leases and all deeds and other documents executed by or delivered to the corporation shall be exempt from all taxation in the State of Alabama.

Section 10. Use of Proceeds. The principal proceeds derived from any borrowing made by the corporation hereunder (other than borrowings made for refunding purposes) shall be used solely for the purpose or purposes for which such borrowing was authorized to be made, including architects' and engineers' fees; legal, fiscal and recording fees and expenses incurred in connection with such borrowing; the interest to accrue on any securities issued in evidence of such borrowing during a period of not exceeding thirty-six months after the date of such borrowing; the reimbursement to itself (or to its general fund or any one or more of its other funds), to the county in which the corporation is organized, to any municipality located (in whole or in part) in such county and to any public agency, authority or body in such county, of any funds advanced to or for the benefit of the corporation or any hospital owned by it and in anticipation of the issuance of securities by the corporation (including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to or for the benefit of the corporation or such hospital); and the creation of such reserves for the payment of debt service on any such securities and for the maintenance, repair, replacement, improvement and enlargement of any of its hospitals and other properties as the board of directors shall deem advisable. Any portion of the principal proceeds derived from any such borrowing not needed for any of the purposes for which such borrowing was authorized to be made shall be applied and used (a) for retirement of the securities issued in evidence of such borrowing or (b) for payment of the interest thereon or (c) for payment into one or more special funds created for payment of principal or interest (or both) or for the creation of reserves for the payment of debt service or for maintenance, repair, replacement, improvement or enlargement or (d) for any combination thereof, all as shall be specified in the mortgage or trust indenture under which such securities are issued or in the resolution of the board of directors authorizing any such borrowing.

Section 11. Refunding Securities. The corporation may at any time and from time to time issue refunding securities for the purpose of refunding any securities of the corporation theretofore issued hereunder and then outstanding, whether or not such securities shall have matured or are redeemable at the option of the corporation at the time of such refunding; provided however, that the maximum principal of securities that the corporation may at any time issue for refunding purposes shall not exceed the sum of (a) the outstanding principal or face amount of the securities being refunded, (b) the unpaid interest accrued thereon to the date that such refunding securities are issued, (c) any redemption premium necessary to be paid in order to redeem the securities to be refunded, and (d) the expenses estimated to be incurred in connection with such refunding. The principal proceeds derived by the corporation from the sale of any refunding securities shall be used only for the payment of the principal of and the interest (and premium) on the securities being refunded and for payment of the aforesaid expenses; provided however, that such proceeds may, if in the judgment of the board of directors of the corporation such is necessary or desirable to effect an advantageous refunding, use a portion of said proceeds for payment of principal of and interest on such refunding securities themselves and the remainder of said proceeds for payment of the securities being refunded and of said expenses; and provided further, that in any event any portion of said proceeds that shall at the time not be needed for any of such purposes may, pending need therefor, be invested in such investments as are specified in Section 8 hereof. Any such refunding may be effected either by sale of the refunding securities and the application of the proceeds thereof as aforesaid, or by exchange of the refunding securities for the securities to be refunded thereby, or by any combination thereof; provided that the holders of any securities so to be refunded shall not be compelled without their consent to surrender their securities for payment or exchange prior to the date on which they may be paid or redeemed by call of the corporation under their respective provisions. All provisions of this act pertaining to securities of the corporation that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding securities issued by the corporation. The corporation may at any time and from time to time issue securities both for the purpose of so refunding any of its securities and for any other purpose for which it is authorized to issue securities, in which event the provisions hereof respecting refunding securities shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 12. Investment of Trust Funds in Securities of Corporation. Securities issued under this act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of this state.

Section 13. Corporation to be Tax Exempt. All property, real, personal or mixed, that may be owned by the corporation, and the corporation itself, shall be exempt from all state, county, and municipal taxation, including (without limitation) income, excise, privilege and license taxation. Further, the gross proceeds of sales of tangible personal property to or by the corporation, and the storage, use or other consumption by the corporation of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by

or to the corporation, shall be exempt from all such state, county and municipal taxation and from the measure of any such taxation imposed on others.

Section 14. No Power of Eminent Domain. The corporation shall not have the power of eminent domain.

Section 15. No hospital authorized under this act shall have governmental sovereignty or immunity.

Section 16. The officers, directors, staff members and all other employees of any public hospital authority, incorporated under the provisions of this act, shall be subject to the rules and regulations of the State Ethics Commission as promulgated under the authority of the State Ethics Act of 1973 and all subsequent amendments thereto.

Section 17. All purchases, sales and contracts of any public hospital authority incorporated under the provisions of this act shall be administered in full compliance with the provisional requirements of the state competitive bid laws (Code of Alabama 1940, Title 55, Chapters 21-24).

Section 18. Any hospital established under this act shall at the end of each fiscal year publish in a daily newspaper located in the same county a financial statement listing all assets and liabilities and all bonded indebtedness, including the expenditures for the fiscal year.

Section 19. One or More Corporations May be Organized. The formation of one corporation under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation by the same county and the same municipality or municipalities or another municipality or municipalities in such county.

Section 20. Provisions Exclusive. Any corporation organized under the provisions of this act shall, insofar as the subject matter of this act is concerned, be governed exclusively by the provisions of this act, which shall not be construed in pari materia with any other statute.

Section 21. Transfer of Funds and Property by Counties and Municipalities. The county in which the corporation is organized, any municipality located (in whole or in part) within such county (whether or not a member of such corporation), any public corporation in such county and any other public agency, authority or body (whether or not incorporated) located or having its principal office in the county are hereby authorized to transfer and convey to the corporation, with or without consideration, any hospital and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any hospital that may be owned by such county, municipality, public corporation, or public agency, authority or body, as the case may be, or that may be jointly owned by any one or more thereof, and any funds owned or controlled by such county, municipality, public corporation, or public agency, authority or body, as the case may be, or jointly by any one or more thereof, that may have been raised or allocated for any of the purposes for which the corporation shall have been organized; provided, that such transfer or conveyance shall be authorized by an ordinance or a resolution duly adopted by the governing body of such county, municipality, public corporation, or public agency, authority or body, as the case may be. Further, in the event of the transfer of any hospital to the

corporation, any taxes, tax proceeds and other revenues that are apportioned or allocated to or for the benefit of the prior owner or operator of such hospital, or for patient care at such hospital, shall thereafter be paid to the corporation.

Section 22. Dissolution of Corporation. If at any time the corporation shall have outstanding no unpaid securities and if each member of the board of directors of the corporation shall execute and file for record in the office of the Judge of Probate of the county in which the corporation is organized a certificate of dissolution reciting the fact that the corporation has outstanding no unpaid securities, stating that it is in the best interests of the public for the corporation to be dissolved and declaring the corporation to be dissolved, the corporation shall thereupon stand dissolved, and title to all funds and properties owned by it at the time of such dissolution shall vest, jointly, in the county and the largest of the member municipalities (according to the Federal Decennial Census next preceding the date of the filing of the certificate of incorporation of the corporation for record) whereupon possession of such funds and properties shall forthwith be delivered to the county and such largest member municipality.

Section 23. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

Section 24. Effective Date. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

HOUSE AMENDMENT TO THE SUBSTITUTE FOR S. B. 82

In Section 16 near the end of the first line of such section strike out the words: staff members and all other employees and insert in lieu thereof: any others who have authority to make purchases or sales for or on behalf of the hospital, or to enter into contracts therefor.

and requested a Committee on Conference.

Yeas 18; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, King, Littleton, McDonald (S), McMillan, Mims, Owen, Pearson, Powell, St. John, Shelby, Stewart, Vacca.

—18

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Shelby, Bank and Gilmore.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 73. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Also:

S. 106. To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

S. 52. To provide that persons employed in county or district health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jolly, Hopping, Leonard, Moore (O) and Trammell:

H. 189. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 189. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Coburn:

H. 226. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

By Messrs. Falkenburg, White, Biddle, McNair, Waggoner, Roberts, Killian, Smith (B), Holmes, Carothers, LeFlore, Quarles, McCluskey, Drake, Sasser, Cooper, Shelton, Howard, Hopping and Porter:

H. 232. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, and entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 226. To the Committee on Conservation.

H. B. 232. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 25. To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

Also:

H. 53. To establish an Alabama Rehabilitation Program for the Homebound to supply medical and attendant care for the homebound handicapped; to provide for supplies, equipment, transportation, and home modification for handicapped persons; and to appropriate funds to be administered by the Division of Rehabilitation and Crippled Children Service of the Department of Education.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

was taken up.

On motion of Mr. Weaver, further consideration of the Bill, H. B. 1, was postponed until the next Legislative Day as unfinished business.

FURTHER CONSIDERATION OF H. B. 7

The Senate proceeded to further consideration of the Bill, H. B. 7, as amended. The question was on the Fine amendment to the Torbert substitute for the Bill, H. B. 7, as amended.

ADJOURNMENT

At 4:57 P.M., Mr. Torbert moved that the Senate adjourn until Thursday, May 1, 1975, at 8:30 A.M.

Mr. Fine made a substitute motion that the Senate adjourn until Thursday, May 1, 1975, at 10 o'clock A.M., which motion was adopted, and at 5 o'clock P.M., pending further consideration of the Bills, H. B. 1 and H. B. 7, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, May 1, 1975, at 10 o'clock A.M.

Yeas 18; Nays 14.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Givhan, Littleton, McDonald (S), Mitchell, Owen, Pearson, Powell, St. John, Shelby, Vacca, Wilson.

—18

Nays:

Messrs. Baker, Ellis, Foshee, King, Little, McDonald (A), McMillan, Mims, Noonan, Perry, Stewart, Torbert, Waldrop, Weaver.

—14

FOURTEENTH LEGISLATIVE DAY

THURSDAY, MAY 1, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Emory Green, Minister, Dalraida Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Roberts for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 4. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of certain county officials by members of the legislative delegation.

Also:

S. 68. Relating to the sixth judicial circuit; to provide further for the compensation of supernumerary judges who retire from the sixth judicial circuit.

Also:

S. 69. To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Also:

S. 71. To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Also:

S. 78. To exempt The Diabetes Trust Fund, Inc. from the payment of all state, county, and municipal sales and use taxes and provides for retroactive effect.

Also:

S. 98. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

S. 100. Relating to all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

S. 114. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

Also:

S. 115. Relating to all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to authorize the governing bodies of said counties to increase salaries of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

Also:

S. 52. To provide that persons employed in county or district health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

Also:

S. 73. To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any

assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Also:

S. 106. To transfer the Cahaba Historical Site, a property on the National Register of Historical Places, owned by the Cahaba Historical commission of the State of Alabama to the Alabama Historical Commission.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the

storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to deny to each such hospital authority the power of eminent domain; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Johnson, Robertson and Owens.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Wyatt and Plaster:

H. 215. To designate the honey bee as the official state insect for the State of Alabama.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Johnstone, Callahan, Cooper, Kennedy and Sonnier:

H. 59. To provide that in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarians upon retirement.

By Mr. Callahan:

H. 64. To amend Act No. 2441, of the 1971 Legislature (Acts, 1971, Page 3903), entitled "An act to provide that the governing body of any municipality having a population of not less than 175,000 nor more than

300,000 according to the most recent federal decennial census, may appoint the Chief of Police of such municipality in event of a vacancy, from the number of officers of the police force who hold the rank of Captain or above, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such governing body may fix the compensation of said Chief of Police, and his status in any civil service system in such municipality."

By Mr. Callahan:

H. 117. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of not less than 300,000 nor more than 600,000, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

By Mr. Glass, et al:

H. 180. To require the members of the board of registrars in all counties having populations of not less than 300,000 or more than 600,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Naramore and Crowe:

H. J. R. 94. MOURNING THE DEATH OF MR. I. A. GARRETT OF WALKER COUNTY.

Also:

By Messrs. Naramore and Crowe:

H. J. R. 95. MOURNING THE DEATH OF MRS. A. C. RAMSEY OF WALKER COUNTY.

Also:

By Messrs. Crowe and Naramore:

H. J. R. 96. COMMENDING MRS. EDITH RICHARDSON OF JASPER FOR HER MANY YEARS OF DEDICATED WORK WITH THE MARCH OF DIMES AGAINST BIRTH DEFECTS, AND HER DEVOTED SERVICE TO THE YOUTH OF WALKER COUNTY.

Also:

By Messrs. Crowe and Naramore:

H. J. R. 97. CONGRATULATING MR. AND MRS. LEE ESTELLE ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Messrs. Quarles and Carter:

H. J. R. 100. COMMENDING TOMMY EDEN OF MONTGOMERY UPON BEING ELECTED VICE PRESIDENT OF THE STUDENT GOVERNMENT ASSOCIATION AT AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 94, 95, 96, 97 and 100, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Andrews:

H. J. R. 105. COMMENDING THE SWITCHBOARD OPERATORS IN THE ROTUNDA FOR OUTSTANDING SERVICE TO THE LEGISLATURE.

Also:

By Mr. Kinsey:

H. J. R. 106. COMMENDING HOWARD I. HENSON ON BEING NAMED AFL-CIO MAN OF THE YEAR.

Also:

By Messrs. Smith (C), Mitchem, Smith (M), Weeks, Plaster, Edwards, Sandusky, Whatley, Kinsey, Moore (W), Gafford, Smith (J), Cross and Howard:

H. J. R. 107. COMMENDING THE FARMERS OF THIS STATE FOR THEIR VALUABLE SERVICES TO MANKIND.

Also:

By Mrs. Quarles:

H. J. R. 112. CONGRATULATING MISS TERESA DIANE ALLMAN ON BEING CHOSEN "MISS SPRINGVILLE HIGH SCHOOL-1975".

Also:

By Mr. Dial:

H. J. R. 113. COMMENDING THE LINEVILLE HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

By Messrs. Dial and Teague:

H. J. R. 114. WISHING THERON T. REAGAN A LONG AND HAPPY RETIREMENT.

Also:

By Mr. Smith (J):

H. J. R. 115. COMMENDING CERTAIN PERSONS, GROUPS, AND ORGANIZATIONS FOR AID RENDERED DURING THE RECENT FLOODING IN GENEVA, ALABAMA.

Also:

By Messrs. Lewis and Kennedy:

H. J. R. 117. MOURNING THE DEATH OF PERCY LEVON JULIAN.

Also:

By Messrs. McNair and Boles:

H. J. R. 119. MOURNING THE DEATH OF MRS. ALLENE CAMPBELL BUTLER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 105, 106, 107, 112, 113, 114, 115, 117 and 119, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Plaster, Drake, McCorquodale, Merrill, Crawford, Edwards and Turnham:

**H. J. R. 69. NAMING THE AUTAUGA COUNTY AIRPORT
"THE GROUBY AIRPORT."**

WHEREAS Autauga County has constructed an airport in Autauga County; and

WHEREAS this airport was constructed to aid in bringing more industries into this area and to serve the industries and local owners of airplanes presently in this area; and

WHEREAS the late Judge E. A. Grouby was instrumental in attempting to have an airport in Autauga County for some fifteen years; and

WHEREAS after his election to Probate Judge in 1966 he continuously worked toward the construction of the airport, which is now a reality; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That the Autauga County
Airport be named and known as "The Grouby Airport."**

BE IT FURTHER RESOLVED That the authorities of said airport so designate said airport by appropriate signs, plaques or otherwise.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C), Manley, Pegues and Barron:

**H. J. R. 138. CREATING EIGHT ADDITIONAL MEMBERS
OF THE STATE "LIVE IN A LANDMARK" COUNCIL.**

WHEREAS the Alabama Legislature passed House Joint Resolution 176 on September 20, 1973, which became Act No. 1233 and thereby created the State "Live in a Landmark" Council; and

WHEREAS this Council has done much good work; and

WHEREAS they have expressed a desire that the membership of the Council be increased so as to gain more input from additional members; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That the present members
of the State "Live in a Landmark" Council are hereby empowered to name
eight additional members to serve for four-year terms and said new
members shall be chosen to represent each of the following areas, viz:**

Anniston—Talledega; Eufaula; Birmingham; Montgomery; Northeastern Alabama; Tuscaloosa; Demopolis—Greensboro—Marion; and Decatur—Athens.

BE IT FURTHER RESOLVED, That members chosen under the provisions of this resolution may succeed themselves when their successors are chosen in a like manner at the expiration of their initial four-year term.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 138, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 62. MOURNING THE DEATH OF MONTGOMERY FIREMAN, JAMES MORGAN McLEOD, WHO WAS KILLED WHILE FIGHTING A FIRE IN NORTH MONTGOMERY.

WHEREAS Montgomery fireman, James Morgan McLeod was killed Saturday morning when a concrete wall collapsed on him while he was fighting a fire at the Koppers Co., Inc., Forestry Products Division in North Montgomery on April 26, 1975; and

WHEREAS Mr. McLeod was a member of Engine Company No. 1, North Court Street Station; and

WHEREAS Mr. McLeod was buried in Troy on Sunday at a service which was attended by a large contingency of his brother firemen and many outstanding public officials and did receive the 13-bell salute traditional for firemen killed in the line of duty; and

WHEREAS Mr. McLeod's actions at the time of his death exemplified the bravery and devotion to duty shown by the Montgomery Fire Department in their day to day activities of protecting the lives and property of the people of Montgomery; and

WHEREAS the Legislature of Alabama wishes to pass this Resolution as a memorial to the life and bravery of this fine man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do mourn the death of James Morgan McLeod and express their deep and sincere sympathy to his family, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the Montgomery Fire Department with the request that it be framed and permanently displayed as a memorial to Mr. McLeod in the Station at which he served.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business for today, the first item of which was the Bill:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

Mr. Flippo offered the following amendment to the Bill, H. B. 1, to-wit:

AMENDMENT TO H. B. 1

In section 1 on line 23 after the word "Alabama" insert the following, viz:

, including law enforcement officers in the Department of Revenue,

On motion of Mr. Flippo, further consideration of the Bill, H. B. 1, and pending amendment, was postponed temporarily.

The Senate proceeded to the second item of unfinished business, which was the Bill:

H. 7. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

as amended, and pending Torbert substitute and Fine amendment, which said substitute and amendment are set out in the Journal of the Senate for the Twelfth Legislative Day.

On motion of Mr. Foshee, further consideration of the Bill, H. B. 7, was postponed temporarily.

REPORT OF COMMITTEE ON CONFERENCE ON S. B. 82

We, the committee on conference appointed to reconcile the difference of the two houses concerning the House Substitute for Senate Bill 82, and amendments, have met in conference, considered the matter in conference, and have agreed to the following report:

Amend Senate Bill 82, as substituted and amended by the House, by striking in Section 6, sub-paragraph (f), which reads as follows:

"(f) one person elected or appointed by the Board of Trustees of the University of Alabama in any county where there is a campus of the University of Alabama is located, and"

Reletter sub-paragraph "(g)", sub-paragraph "(f)".

Further amend Senate Bill 82, as substituted and amended by the House, by striking out in its entirety Section 16 and substituting in lieu thereof the following:

"Section 16. The officers, directors, and any others who have authority to make purchases or sales for or on behalf of the hospital, or to

enter into contracts therefor, of any public hospital authority, incorporated under the provisions of this act, shall be subject to the rules and regulations of the State Ethics Commission as promulgated under the authority of the State Ethics Act of 1973 and all subsequent amendments thereto."

Richard C. Shelby

Bert Bank

E. H. Gilmore

Conferees on the part of the Senate

Walter Owens

Roy Johnson

Edward D. Robertson

Conferees on the part of the House

CONFERENCE REPORT

On motion of Mr. Shelby, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall have a Board of Directors in which all the powers thereof shall be vested and to specify the manner in which, the entities, agencies or groups by which, and the terms for which such directors shall be elected; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation

imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it; to deny to each such hospital authority the power of eminent domain; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Givhan, Jones, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Shelby, Stewart, Vacca.

—20

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 56. Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 102. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney

of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Shelby, further consideration of the Bills, H. B.'s 107 and 168, was indefinitely postponed by the Senate.

On motion of Mr. Waldrop, further consideration of the Bill, H. B. 131, was indefinitely postponed by the Senate.

On motion of Mr. Baker, further consideration of the Bill, H. B. 218, was indefinitely postponed by the Senate.

On motion of Mr. Stewart, further consideration of the Bill, H. B. 222, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 101. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 186. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Torbert, Vacca, Waldrop, Weaver, Wilson.

— 25

Nays:

— 0

The Bill:

H. 185. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Shelby, Vacca, Waldrop, Weaver, Wilson.

— 25

Nays:

— 0

The Bill:

H. 174. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

— 25

Nays:

— 0

The Bill:

H. 173. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the board of

registrars by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 172. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

H. 171. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 170. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 169. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

—0

The Bill:

H. 149. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 132. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 130. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to provide for an efficient administration of the financial affairs of such counties by establishing a sound budgetary system; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures by requiring all department heads, all county offices, boards or agencies receiving or desiring to receive appropriations from county government to submit written budget requests to the county commission; to provide that each district commissioner submit to the chairman of the county commission written budget requests; to provide for preliminary budget hearings on all written requests before adoption of a final budget; to prohibit the chairman of the county commission to sign any instrument to pay for any purchases beyond the approved budget; to provide that all the appropriations made by the county commission are maximum, conditional, and proportionate appropriations; to provide that the county commission shall have the authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to provide for a budget review board who will review said budget and make recommendations to the commission to allow budget flexibility; to set the effective date of this act and to appeal any conflict in laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 130, to-wit:

SENATE SUBSTITUTE FOR H. B. 130

**A BILL
TO BE ENTITLED
AN ACT**

To apply only in counties having a population of not less than 90,000

nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census.

Section 2. It is the purpose of this act to better secure the administration of the financial affairs of such counties by vesting in the chairman of the county commission, and members of said commission, a direct and effective supervision over all county offices, departments, boards and agencies and to provide for the annual initiation and preparation of a balanced budget of all revenues and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund and other funds.

Section 3. The Chairman of the County Commission shall:

A. Be charged with the responsibility of supervising and controlling all payments from county funds of appropriate warrants, or warrant checks, which said warrants or warrant checks shall be signed by said chairman and the associate member of the commission with the longest consecutive tenure.

B. Direct and supervise the drafting and preparation of the tentative budget document and the final budget document;

C. Perform the necessary work in reviewing requisitions for payments as are submitted;

D. Make such investigations as he may deem appropriate as related to budgetary matters.

E. Make such rules and regulations as may be necessary for carrying out the provisions of this act;

F. Perform such other duties as are herein provided and any such duties as may be required to effectively control the financial operations of county government;

Section 4. On or before March 1 of each year, the County Commission Office (Chairman), Associate County Commissioners (District 1, 2, 3, and 4), Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, and all other county offices, departments, boards, or agencies (and all state or municipal departments, institutions, boards, commissions or agencies desiring funding, payments, or appropriations from county government) shall transmit to the chairman of the county commission estimates of their expenditures for the coming fiscal year. In event of any failure to submit a required estimate, the chairman of the county commission may cause required estimate, the chairman of the county commission may cause to be prepared such an estimate as is in his opinion reasonable and proper.

Section 5. On or before March 1 of each year the chairman of the county commission shall prepare an estimate of the total income of the county for the coming fiscal year, listing and classifying such income according to source.

Section 6. Not later than July 1 of each year, the chairman of the county commission shall cause to be prepared a tentative budget. The aggregate sums tentatively budgeted for expenditure during the ensuing fiscal year shall not exceed the estimated revenues for the ensuing year plus the amounts in county funds remaining in the treasury at the close of the year in progress. Said tentative budget shall present in detail proposed expenditures to meet the needs of county government.

Section 7. County offices, departments, boards, and agencies must be given preference in the aforesaid tentative budget, as well as in the final budget adopted, so that funding, payments, or appropriations to state and municipal departments, institutions, boards, commissions and agencies (except for funding, payments or appropriations required by law) shall be reduced or eliminated as may be necessary in order that needs of county offices be first met.

Section 8. The chairman of the county commission shall make provision for public hearings on the tentative budget not later than August 15 of each year, to which he shall extend invitations to the heads of all concerned county, state and municipal offices, departments, boards, institutions, commissions and agencies, to be present at such hearings and to participate in same through the asking of questions and/or the expression of opinion in regard to items of the tentative budget.

Section 9. Within a reasonable time after the conclusion of the public hearings above provided for, but before October 1, the county commission, upon recommendation of the chairman of said commission, shall adopt and approve a final budget for the ensuing fiscal year, which said budget may not thereafter be amended or revised except by majority vote of the said commission, upon the recommendation of the chairman, which said budget must not provide for a deficit. If said final budget should be amended for any elected county office, department board or agency before the fiscal year is completed, all other elected county offices, department boards or agencies are to be notified in writing immediately by the chairman of the County Commission.

Once said final budgets (revenues and expenditures of all county funds) are approved, the Chairman of the County Commission shall publish same in a local newspaper by October 15. On or before April 15 said Chairman shall again publish said budget showing revenues received and

monies expended to date. The same shall be repeated on or before September 15.

The expenditures of no office, department, board, institution, commission or agency shall exceed the amount originally provided for in the aforesaid final budget, unless same be amended or revised to provide for same by majority vote of the county commission, upon recommendation of the chairman. Any department official including the County Commission Office (Chairman) Associate County Commissioners (District 1, 2, 3 and 4) Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, who willfully violates any of the provisions of this section shall be personally liable for the amount by which the expenditures of his office, department, board, institution, commission or agency exceed the amount set by the aforesaid budget up to one-hundred per cent of his salary and expense allowances unless same be amended or revised as above provided for.

The chairman of the county commission shall regularly review expenditures of all offices, departments, boards, institutions, commissions and agencies and shall forthwith notify any department head or other official in charge when it appears that he will exceed his budget for the fiscal year. If the appropriate department head fails to take remedial action, the chairman of the county commission shall not sign further warrants or warrant checks in payment of expenditures of the affected department until such remedial action is taken.

Section 10. The chairman of the county commission shall restrict the payment of warrants, or warrant checks, to prevent an overdraft or deficit in any fiscal year; payments shall be payable in such proportion as the total sum budgeted for such office, department, board, institution, commission or agency, bears to the total amount estimated as available in said fiscal year; that is payments shall be made from available funds by prorating, without discrimination against any office, department, board, institution, commission or agency.

Section 11. All funds budgeted during any fiscal year to any office, department, board, institution, commission or agency, but not expended during said year, shall lapse at the end thereof and shall not be subject to expenditure (in addition to newly budgeted funds) during the ensuing fiscal year; that is such office, department, board, institution, commission or agency, shall, in the ensuing year, be limited to the amount provided for in the new budget.

Section 12. For the fiscal year commencing October 1, 1975, and ending September 30, 1976, the tenth day of the month next following the enactment of this act shall be applicable in lieu of the date of March 1 where hereinabove provided in Sections 4 and 5.

Section 13. The county commission, upon the recommendation of the chairman, shall hire a central purchasing agent whose duty shall be to maintain an inventory supply of materials and equipment, to purchase such material and equipment on a competitive bid basis where practicable, and to disperse such materials and equipment chargeable to approved budgeted accounts of the various offices, departments, agencies, institutions and boards. Purchase orders shall be made by a requisition from the respective department head or the respective county commissioner and said requisition order shall show the description, use and need for the article, machinery, or equipment to be purchased. All

requisitions to the central purchasing agent must be approved by the agent prior to disbursement. The central purchasing agent is prohibited from approving or disbursing materials, machinery, equipment, or supplies in value beyond the final fiscal year budget approved by the county commission.

The central purchasing agent, in order to carry out his various duties and functions shall be provided by the county commission all such clerical help as may be necessary for the efficient operation. The annual salary for the central purchasing agent shall be set by a majority vote of the county commissioners in the form of a resolution but said sum shall not exceed the total sum of \$15,000.00 per year; provided that salary may be increased in the same manner as other employees insofar as cost of living salary increases are otherwise provided for by law.

The central purchasing agent, any member of his family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with the county.

The central purchasing agent shall not accept anything of value, including a gift, favor or service, based on any understanding that the official actions or purchases of the central purchasing agent would be influenced thereby or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with food afforded the central purchasing agent when such expenses are in an amount of less than \$25 per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

Section 14. If any section or provision of this act is declared unconstitutional, the sections or provisions remaining shall not be affected.

Section 15. This act shall be considered cumulative, but all laws or parts of laws in conflict herewith are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Waldrop.

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Nays:

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And said Bill, H. B. 130, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Waldrop.

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Nays:

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The Bill:

H. 133. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

was taken up.

Mr. Waldrop offered the following amendment to the Bill, H. B. 133, to-wit:

AMENDMENT TO HOUSE BILL 133

In Section 2, by adding on line 19 after the word "of" the following words: "up to".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 133, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 239. To fix the salary for the Deputy District Attorney for Dale County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 237. Relating to Dale County; providing for the position of Legal Secretary to the District Attorney.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

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Nays:

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The Bill:

H. 236. To amend Sections 3 and 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151) entitled "An Act To create and establish a Court with county wide limited jurisdiction of criminal cases and civil action at law and in equity which court shall make final record in suits for divorce or separate maintenance, in cases involving domestic relations or the custody of children; to be called the Inferior Court of Dale County, Alabama, to provide for the jurisdiction of said Inferior Court of Dale County, Alabama and the officers thereof; to fix their duties, powers, authority and compensation; to abolish the County Court of Dale County and the Juvenile Court of Dale County and to provide for the transfer of all cases pending in these courts to the newly established court" so as to provide an increase in the jurisdictional amount of said Court, expense allowance for the Judge of said Court in addition to the salary heretofore provided and to provide for the employment of such personnel as is necessary for the efficient operation of said Court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee,

Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 235. Relating to all counties having populations not less than 24,000 nor greater than 24,800 according to the most recent federal decennial census; to provide an expense allowance for the coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 233. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

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Nays:

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The Bill:

H. 227. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an expense account for the Deputy Sheriffs and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo,

Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 214. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Wilson.

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Nays:

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The Bill:

H. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 221. To empower the county commission of all counties having a population greater than 600,000 inhabitants according to the most recent federal decennial census to authorize any local bank located within such counties to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones,

King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 230. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 229. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 211. Relating to Bibb County, to further amend Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43), which Act levies certain sales and use taxes in Bibb County, so as to increase said sales and use

taxes and to allocate the revenue generated from such taxes equally between the county hospital board and the county board of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver.

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Nays:

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The Bill:

H. 209. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Bill:

H. 208. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

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Nays:

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The Bill:

H. 207. To provide an additional expense allowance for the County Commissioners of all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, St. John, Vacca, Waldrop, Weaver, Wilson.

—25

Nays:

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The Bill:

H. 196. Relating to counties having a population of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

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Nays:

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The Bill:

H. 183. To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 5 administrative assistants to the said governing body to serve at the pleasure of the governing body.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 183, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 183

A BILL TO BE ENTITLED AN ACT

To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 2 administrative assistants to the said governing body to serve at the pleasure of the governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every county of the State having a population of 600,000 persons or more according to the last or any subsequent Federal census, and the Act shall not apply to any other county.

Section 2. As used herein the term "the county" means any county subject to this Act.

Section 3. The governing body of the county is hereby authorized to employ for and in behalf of the county not exceeding 2 administrative assistants to the governing body to serve at the pleasure of the governing body, to define the duties of each of the administrative assistants, and to fix the compensation of each of the administrative assistants. Said compensation shall be within the same salary range both high and low as comparable positions under the civil service law, if any, that may be applicable to any such county. One of said assistants shall be employed in public information or related activities, and the second of said assistants shall be employed in budget analysis, administration and related activities, and each assistant shall serve under the direction of the governing body of said county.

Section 4. No administrative assistant appointed under this Act shall be subject to the provisions of any merit system established for, or in, the county.

Section 5. All laws or parts of laws whether general, special or local in conflict with any provision of this Act are hereby repealed to the extent of any such conflict.

Section 6. This Act shall become effective on its approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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Nays:

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And said Bill, H. B. 183, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 240. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 240, to-wit:

COMMITTEE SUBSTITUTE FOR H. 240

A BILL TO BE ENTITLED AN ACT

To fix and provide for the payment out of the county treasury of compensation and expense allowances for certain officers in certain counties classified on a population basis according to the most recent federal decennial census, which as to some of such officers shall supersede and as to others shall be supplemental to other compensation and expense allowances; and to give this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county commission in every county having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census shall receive an expense allowance of \$300 per month. In addition each member of the county commission may be reimbursed for travel and actual expenses incurred on official business outside of the county. Said amount reimbursed shall not exceed \$900 per member per annum. The above expenses are in addition to any salary now authorized but are in lieu of any existing travel expense or other expense allowance. The above expenses may be paid out of the gasoline tax appropriated to the county.

Section 2. The county solicitor of any county having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census shall be entitled to an annual salary of \$9,600 per annum, payable in equal installments as the salaries of other county employees are paid. The above mentioned salary shall be in lieu of all other compensation heretofore provided for such county solicitor.

Section 3. The county governing bodies of counties having populations of not less than 26,725 nor more than 27,250 and of counties having populations of not less than 27,900 nor more than 33,500 all according to the most recent federal decennial census, each are hereby authorized to give each circuit judge and district attorney additional compensation of \$300 per month for expense allowance which shall be paid out of the county general fund of each county composing the circuit at the same time and in the same manner as other county employees are paid. Such compensation shall be in addition to any and all other salary, compensation and expense allowances provided by law.

Section 4. The provisions of this Act shall supersede all laws or parts of laws, general, local or special which deal with expense allowances

or reimbursements for members of the county commissions in those counties to which Section 1 of this Act applies.

Section 5. This Act shall have retroactive effect to January 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Weaver.

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Nays:

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And said Bill, H. B. 240, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

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Nays:

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The Bill:

H. 184. To provide that the employees of any city lying within any county which has a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the Circuit Court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this Act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 184, to-wit:

COMMITTEE AMENDMENT TO H. B. 184

Amend House Bill 184 by striking Section 3 in its entirety and substitute in lieu thereof the following:

"Section 3. Defining a Labor Organization. A Labor Organization means any organization of any kind in which employees participate, and which exists for the primary purpose of dealing with the employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of employment. As used in this Act, the following words and terms shall, unless the context requires a different interpretation, have the meanings hereby respectively ascribed to them: "Employee" means all persons employed by said City except those employees in the top three echelons or classes in any appropriate unit; "City" means any city subject to this Act; "Director of Labor" means the Director of Labor of the State of Alabama; "Probate Judge" means the Probate Judge of the county wherein there is situated the city employing the employees signing the petition which Section 4 of this Act provides that the employees may file with the Director of Labor; "election hereunder" means an election held under this Act; "the bargaining agent" means a labor organization selected at an election hereunder to represent the employees of the city as provided for in this Act; "employees petition" means a written petition for an election hereunder addressed to the Director of Labor, signed by at least twenty-five percent (25%) of the employees employed by the city, in an appropriate unit (an appropriate unit shall be defined as a group of employees with common employment interests), with the residence address of each person so signing being stated opposite or beneath his signature, which petition shall be accompanied by the joint written affirmation of at least five of those signing the petition constitute at least twenty-five percent (25%) of the total number of employees in an appropriate unit employed by the city; "the Arbitration Board" means the Arbitration Board for which this Act provides; "The Corporate Authority" means the governing body of the City or its designated representative within the meaning of this Act; "wages and other conditions of employment" means wages and other conditions of employment which the Corporate Authority is empowered to establish."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Weaver, Wilson.

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Nays:

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The Standing Committee on Local Legislation No. 1 then reported the following amendment to the Bill, H. B. 184, as amended, to-wit:

AMENDMENT TO H. 184

Insert the following Section 14 and renumber the remaining sections:

Section 14. The provisions of this act shall become operative only if approved by a majority of the electors of any city to which this act applies who vote thereon in a referendum to be held on the same day on which the special election is held on constitutional amendments proposed by the 1975 Regular Session of the Legislature. The governing body of any city to which this act applies shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1975 3rd Special Session of the Legislature, approved the _____ day of _____, 1975, which provides for collective bargaining of municipal employees, be adopted Yes (), No ()." If a majority of the votes cast in the election are "Yes," then the provisions of this act shall become operative on January 1, 1976. If the majority are "No" this act shall have no further effect. The results of the election shall be certified by the probate judge to the Secretary of State, who shall make a permanent record thereof.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

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The Standing Committee on Local Legislation No. 1 then reported the following amendment to the Bill, H. B. 184, as amended, to-wit:

COMMITTEE AMENDMENT TO H. 184, AS AMENDED

In the synopsis, beginning on the second line, strike the following words and figures:

"lying within any county which has a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial"

and insert in lieu thereof the following:

having a population of from 175,000 to 275,000 according to the last or any subsequent federal

Also beginning near the top of the first page following the page on which the synopsis appears, strike out the following words and figures:

"To provide that the employees of any city lying within any county which has a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of

employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the Circuit Court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this Act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act."

and substitute in lieu thereof the following:

To provide that the employees of any city having a population of from 175,000 to 275,000 according to the last or any subsequent federal census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the Circuit Court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slow-down; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this Act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act.

Also strike out in its entirety Section 1 and insert in lieu thereof the following:

Section 1. Application of this Act. This Act shall apply to every city of the State having a population of from 175,000 to 275,000 according to the last or any subsequent Federal Census, and to no other city.

Also in Section 2 strike out the following words and figures:

"lying in any county in this state having a population of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census,"

and insert in lieu thereof the following:

having a population of from 175,000 to 275,000 according to the last or any subsequent Federal Census,

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Weaver, Wilson.

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Nays:

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And said Bill, H. B. 184, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 1.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

Nay: Mr. Noonan.

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Abstaining. Mr. Baker.

—1

The Bill:

H. 80. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

was taken up.

Mr. Weaver offered the following amendment to the Bill, H. B. 80, to-wit:

AMENDMENT TO H. B. 80

Amend Sec. 1 of H. B. 80 by adding in line 30 after the words "apply to" the following word and symbol:

Clay,

Talladega,

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Vacca, Weaver.

—25

Nays:

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And said Bill, H. B. 80, as thus amended, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Weaver.

—27

Nays:

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FURTHER CONSIDERATION OF H. B. 1

The Senate proceeded to further consideration of the Bill:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

The question was on the amendment offered by Mr. Flippo. On motion of Mr. Baker, said amendment was laid on the table.

Mr. Baker offered the following amendment to the Bill, H. B. 1, to-wit:

AMENDMENT TO H. B. 1

In section 1 on line 23 after the word "Alabama" insert the following, viz:

, including law enforcement officers of the Department of Industrial Relations and the Department of Revenue, and including State Fire Marshals,

Mr. Adams moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Waldrop, Weaver, Wilson.

—30

Nays: —0

Mr. Shelby offered the following amendment to the Bill, H. B. 1, as amended, to-wit:

AMENDMENT TO H. B. 1

Amend House Bill 1 as follows:

On line 22, Section 1, after the word "officer" insert the following:

"and all police communications officers"

Mr. Adams moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver.

—26

Nays: —0

And said Bill, H. B. 1, as amended, was then read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Weaver, Wilson.

—28

Nays: —0

RESOLUTION

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 63. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 138. Creating eight additional members of the State "Live in a Landmark" Council.

On motion of Mr. Littleton, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 136. Amending Section (d) of S. J. R. 15, Act No. 15, Organizational Session 1975.

On motion of Mr. Mitchell, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 46. Authorizing payment of expenses for Alabama's representative at the Southern Interstate Nuclear Board.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 30. Declaring the second week in May as "Municipal Clerks' Week".

On motion of Mr. Jones, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 60. Providing for the legislative proclamation of Law Day USA in the State of Alabama.

On motion of Mr. Shelby, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 61. Commending Representative Pete Turnham on being elected Chairman of the Southern Interstate Nuclear Board.

On motion of Mr. Ellis, said Resolution was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 165. To amend the power of the State Board of Medical Examiners over the granting of certificates of qualification to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualification; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Weaver.

—26

Nays:

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The Bill:

H. 166. To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties."

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perry, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—23

Nays:

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REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 63. Relative to sine die adjournment.

On motion of Mr. Foshee, said Resolution was then adopted by the Senate.

MOTION IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"I move that the Senate be in recess until 5:00 P.M. today at which time we adjourn sine die and while in recess the President be empowered to receive and sign bills and that the Clerk and the clerical help of the Senate be empowered to complete their clerical work."

Which motion was lost.

RECESS

At 2:30 P.M., on motion of Mr. St. John, the Senate took a recess until 4:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. B. 29, the President and Presiding Officer of the Senate announced that the Chairman of the Standing Committee on Finance and Taxation had designated Messrs. Foshee, Fine and Gilmore to serve as Senate members of the Joint Fiscal Committee.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 56. Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Also:

H. 101. To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Also:

H. 102. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

H. 185. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

Also:

H. 186. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the boards of equalization by members of the legislative delegation representing the county.

Also:

H. 172. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

H. 173. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

H. 174. Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

H. 169. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the jury commission by members of the legislative delegation representing the county.

Also:

H. 170. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the county license inspector by members of the legislative delegation representing the county.

Also:

H. 171. Relating to all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census; to provide for the appointment of the members of the board of registrars by members of the legislative delegation representing the county.

Also:

H. 149. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Also:

H. 132. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Also:

H. 239. To fix the salary for the Deputy District Attorney for Dale County.

Also:

H. 235. Relating to all counties having populations not less than 24,000 nor greater than 24,800 according to the most recent federal decennial census; to provide an expense allowance for the coroner.

Also:

H. 236. To amend Sections 3 and 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151) entitled "An Act To create and establish a Court with county wide limited jurisdiction of criminal cases and civil action at law and in equity which court shall make final record in suits for divorce or separate maintenance, in cases involving domestic relations or the custody of children; to be called the Inferior Court of Dale County, Alabama, to provide for the jurisdiction of said Inferior Court of Dale County, Alabama and the officers thereof; to fix their duties, powers, authority and compensation; to abolish the County Court of Dale County and the Juvenile Court of Dale County and to provide for the transfer of all cases pending in these courts to the newly established court" so as to provide an increase in the jurisdictional amount of said Court, expense allowance for the Judge of said Court in addition to the salary heretofore provided and to provide for the employment of such personnel as is necessary for the efficient operation of said Court.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 237. Relating to Dale County; providing for the position of Legal Secretary to the District Attorney.

Also:

H. 214. To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Also:

H. 221. To empower the county commission of all counties having a population greater than 600,000 inhabitants according to the most recent federal decennial census to authorize any local bank located within such counties to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Also:

H. 230. To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Also:

H. 229. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

Also:

H. 211. Relating to Bibb County, to further amend Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43), which Act levies certain sales and use taxes in Bibb County, so as to increase said sales and use taxes and to allocate the revenue generated from such taxes equally between the county hospital board and the county board of education.

Also:

H. 207. To provide an additional expense allowance for the County Commissioners of all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

Also:

H. 208. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Also:

H. 209. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Also:

H. 76. Providing for expense allowances for the tax assessor and for the tax collector of counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census.

Also:

H. 196. Relating to counties having a population of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county commission.

Also:

H. 233. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Also:

H. 227. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an expense account for the Deputy Sheriffs and to provide for the payment of the same.

Also:

H. 165. To amend the power of the State Board of Medical Examiners over the granting of certificates of qualification to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualification; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

Also:

H. 166. To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties;

imposing fees and charges and providing for their use; prescribing penalties."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 89. To create the office of supernumerary sheriff in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Also:

S. 91. To provide an additional expense allowance for the circuit court reporter of the Second Judicial Circuit payable by the counties composing said circuit.

Also:

S. 109. To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 80. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber

colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 130. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 183. To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 2 administrative assistants to the said governing body to serve at the pleasure of the governing body.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 133. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 240. To fix and provide for the payment out of the county treasury of compensation and expense allowances for certain officers in certain counties classified on a population basis according to the most recent federal decennial census, which as to some of such officers shall supersede and as to others shall be supplemental to other compensation and expense allowances; and to give this Act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 61. COMMENDING REPRESENTATIVE PETE TURNHAM ON BEING ELECTED CHAIRMAN OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

Also:

S. J. R. 62. MOURNING THE DEATH OF MONTGOMERY FIREMAN, JAMES MORGAN McLEOD, WHO WAS KILLED WHILE FIGHTING A FIRE IN NORTH MONTGOMERY.

Also:

S. J. R. 63. Sine die adjournment.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 35. OPPOSING POLICY OF THE SOCIAL SECURITY ADMINISTRATION WITH RESPECT TO MONTHLY DEPOSITS AND ANNUAL REPORTING OF SOCIAL SECURITY CONTRIBUTIONS AND PETITIONING THE CONGRESS TO ENACT LEGISLATION TO CONTINUE THE LONG ESTABLISHED POLICY OF QUARTERLY REPORTING AND REMITTANCES OF SUCH CONTRIBUTIONS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall be governed by a Board of Directors; to prescribe the manner of appointment and terms of the members of said Board; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals except as otherwise limited in this act, and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of

tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it, to deny to each such hospital authority the power of eminent domain and governmental immunity; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 184. To provide that the employees of any city lying within any county which has a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the Circuit Court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this Act,

or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Malone, Callahan and Cooper.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Perloff, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 184, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Noonan, Roberts and Perloff.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 89. To create the office of supernumerary sheriff in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Also:

S. 91. To provide an additional expense allowance for the circuit court reporter of the Second Judicial Circuit payable by the counties composing said circuit.

Also:

S. 109. To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

Also:

S. J. R. 61. Commending Representative Pete Turnham.

Also:

S. J. R. 62. Mourning the death of James Morgan McLeod.

Also:

S. J. R. 63. Relating to Sine Die Adjournment.

Also:

S. J. R. 35. Petitioning Congress to enact legislation to continue the established policy of quarterly reporting of Social Security contributions.

Also:

S. 82. To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certificate of Incorporation of such hospital authorities; to provide that each such hospital authority shall be governed by a Board of Directors; to prescribe the manner of appointment and terms of the members of said Board; to provide for the election of the officers of each such hospital authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals except as otherwise limited in this act, and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, from all state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it, to deny to each such hospital authority the power of eminent domain and governmental immunity; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with

the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

E. C. FOSHEE,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 69. Naming the Autauga County Airport "The Grouby Airport."

Also:

H. J. R. 94. MOURNING THE DEATH OF MR. I. A. GARRETT OF WALKER COUNTY.

Also:

H. J. R. 95. MOURNING THE DEATH OF MRS. A. C. RAMSEY OF WALKER COUNTY.

Also:

H. J. R. 96. COMMENDING MRS. EDITH RICHARDSON OF JASPER FOR HER MANY YEARS OF DEDICATED WORK WITH THE MARCH OF DIMES AGAINST BIRTH DEFECTS, AND HER DEVOTED SERVICE TO THE YOUTH OF WALKER COUNTY.

Also:

H. J. R. 97. CONGRATULATING MR. AND MRS. LEE ESTELLE ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

H. J. R. 100. COMMENDING TOMMY EDEN OF MONTGOMERY UPON BEING ELECTED VICE PRESIDENT OF THE STUDENT GOVERNMENT ASSOCIATION AT AUBURN UNIVERSITY.

Also:

H. J. R. 105. COMMENDING THE SWITCHBOARD OPERATORS IN THE ROTUNDA FOR OUTSTANDING SERVICE TO THE LEGISLATURE.

Also:

H. J. R. 106. COMMENDING HOWARD I. HENSON ON BEING NAMED AFL-CIO MAN OF THE YEAR.

Also:

H. J. R. 107. COMMENDING THE FARMERS OF THIS STATE FOR THEIR VALUABLE SERVICES TO MANKIND.

Also:

H. J. R. 112. CONGRATULATING MISS TERESA DIANE ALLMAN ON BEING CHOSEN "MISS SPRINGVILLE HIGH SCHOOL—1975."

Also:

H. J. R. 113. COMMENDING THE LINEVILLE HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 114. WISHING THERON T. REAGAN A LONG AND HAPPY RETIREMENT.

Also:

H. J. R. 115. COMMENDING CERTAIN PERSONS, GROUPS, AND ORGANIZATIONS FOR AID RENDERED DURING THE RECENT FLOODING IN GENEVA, ALABAMA.

Also:

H. J. R. 117. MOURNING THE DEATH OF PERCY LEVON JULIAN.

Also:

H. J. R. 119. MOURNING THE DEATH OF MRS. ALLENE CAMPBELL BUTLER.

Also:

H. J. R. 30. Declaring the second week in May as "Municipal Clerks' Week".

Also:

H. J. R. 60. Requesting the Governor of Alabama to designate and dedicate May 1 of each year as LAW DAY USA.

Also:

H. J. R. 136. AMENDING SECTION (d) OF S. J. R. 15, ACT No. 15, ORGANIZATIONAL SESSION 1975.

Also:

H. J. R. 138. CREATING EIGHT ADDITIONAL MEMBERS OF THE STATE "LIVE IN A LANDMARK" COUNCIL.

Also:

H. J. R. 46. AUTHORIZING PAYMENT OF EXPENSES FOR ALABAMA'S REPRESENTATIVE AT THE SOUTHERN INTERSTATE NUCLEAR BOARD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 80. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

Also:

H. 130. To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Also:

H. 133. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission,

board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Also:

H. 183. To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 2 administrative assistants to the said governing body to serve at the pleasure of the governing body.

Also:

H. 240. To fix and provide for the payment out of the county treasury of compensation and expense allowances for certain officers in certain counties classified on a population basis according to the most recent federal decennial census, which as to some of such officers shall supersede and as to others shall be supplemental to other compensation and expense allowances; and to give this Act retroactive effect.

Also:

H. 1. To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of H. J. R. 12, the President and Presiding Officer of the Senate appointed Messrs. Weaver, Powell, Noonan and Wilson as Senate members on the Interim Study Committee to Study the Real Estate Principles, Practices and Upgrading of Real Estate Operating and Licensing Laws.

Under the provisions of S. J. R. 39, the President and Presiding Officer of the Senate appointed Messrs. Pearson, Mims and Ellis as Senate members of the Interim Committee to Study All Facets of the State Parks System of Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of S. J. R. 39, the Speaker of the House appointed Messrs. Lewis, Kelley and Kinsey as House members of the

Interim Committee to Study All Facets of the State Parks System of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 12, the Speaker of the House appointed Messrs. Gafford, Biddle, Andrews, Sandusky and Warren Moore as House members of the Joint Interim Committee to Study Real Estate Principles, Practices and the Upgrading of Real Estate Operating and Licensing Laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of Senate Bill No. 29, Act No. 108, the Chairman of the Ways and Means Committee of the House appointed Messrs. Callahan, Plaster and Coburn as House members of the Joint Legislative Fiscal Committee.

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 11

S. B. 13

S. J. R. 37

S. J. R. 39

S. J. R. 44

S. J. R. 46

S. J. R. 48

S. J. R. 49

S. J. R. 53

S. J. R. 56

S. J. R. 57

S. J. R. 58

S. B. 10

S. B. 19

S. B. 29

S. B. 32

S. B. 40

S. B. 54

S. B. 58

S. B. 64

S. B. 75

S. B. 81

Delivered to the Governor, April 29, 1975, at 2:45 P.M.

S. B. 57

Delivered to the Secretary of State, April 29, 1975, at 2:50 P.M.

S. B. 4

S. B. 68

S. B. 69

S. B. 71

S. B. 78

S. B. 98

S. B. 100

S. B. 114

S. B. 115

S. B. 52

S. B. 73

S. B. 106

Delivered to the Governor, May 1, 1975, at 3:20 P.M.

S. B. 89

S. B. 91

S. B. 109

S. J. R. 61

S. J. R. 62

S. J. R. 63

S. J. R. 35

S. B. 82

Delivered to the Governor, May 1, 1975, at 5:30 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Thirteenth and Fourteenth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journals of the Senate for the Thirteenth and Fourteenth Legislative Days were approved by the Senate.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ JERE BEASLEY

Lieutenant Governor and President
and Presiding Officer of the Senate

ATTEST:

/s/ McDOWELL LEE
Secretary of Senate

IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE

THIRD SPECIAL SESSION, 1975

LOBBYIST REGISTRATION

(In accordance with provisions of Senate Rule 79.)

Adwell, Robert G., Fraternal Order of Police.

Albright, A. D., International Union of Operating Engineers.

Allen, Walter L., Association of Alabama Cemeteries, Management Services, Inc., Alabama Motorists Association, Alabama Natural Gas Association.

Allison, Claude F., Alabama LP-Gas Association.

Amos, W. Douglas, Alabama League of Savings Associations.

Armagost, E. R., Alabama Concrete Industries Association.

Aultman, Cecil, Steelworkers Legislative Committee.

Bailey, George F., Jr., Alabama Railroad Association.

Baker, Schuyler A., Alabama Power Company.

Baril, Eugene A., General Telephone Company of the S. E.

Bass, Ray Dean, Alabama State Highway Department.

Bibb, Peyton D., Jr., South Central Bell Telephone Company.

Blackwood, Ray, Alabama Council of Public Service Employees
L I U N A AFL-CIO.

Blow, Betty S., Alabama District Attorneys Association.

Bradley, Jack, Steelworkers Leg. & Education of Alabama.

Bradley, Stephen E., Barrett C. Shelton, Jr., Gen. Mgr., Decatur
Daily.

Brandli, Jean S., Coosa Valley Tel. Co.

Braswell, Thelma, Alabama Education Association.

Brown, David C., University of North Alabama.

Burns, Charles J., Alabama Trucking Ass'n Inc.

Burson, William H., National Federation of Independent Business.

Callahan, N. P., Jr., Retired Policemen & Widows Receiving Benefits
From The Limited Policemen's Retirement and Relief System of
Birmingham, Alabama.

Carr, Bruce, Laborers' Int. Union of North America AFL-CIO.

Casey, John S., Alabama Bankers Association.

Chambers, E. T., Home Builders Association of Alabama.

Chastain, Mrs. Linda E., Education—Special Education Trust Fund.

Cleckler, Robert M., Sr., First National Bank, Childersburg, Ala.

Cloud, John W., Alabama Peace Officers Association.

Cone, C. E., Montgomery Fire Fighter Association.

Cook, William J., Jr., Hudson-Thompson, Inc.

Clark, James S., Central Bankshares of South Eufaula Board of Realtors.

Crosslin, Dave, Ala. Joint Council of Laborers & Operating Engineers AFL-CIO.

Cruit, George E., Alabama Employment Association.

Cunningham, R. J. (Jim), Alabama Assoc. of Life Underwriters.

Cutchen, Mrs. Frances C., (Private Citizen) Special Education Trust Fund.

Davidson, Rudolph, University of Alabama in Birmingham.

Davis, S. L., Association of County Commissions of Alabama.

Disque, J. L., CIBA-GEIGY Corporation.

Doss, Chriss H., Jefferson County Commission.

Dowe, Dan, Alabama League of Municipalities.

Eden, Tom, Alabama Textile Manufacturers Association.

Edgerton, Mary Alice, Computer Election Systems.

Edington, Robert S., Clyde Foreman.

Eggers, Cecil, Public Service & Industrial Employees Local Union 1314.

Ellis, C. Rhett, Alabama Society of Dispensing Opticians.

Englehardt, Sam, Alabama Power Company.

Farley, Joseph M., Alabama Power Company.

Finley, Robert B., State Department of Public Health.

Folse, Paul J., Mobile County Law Enforcement Association.

Frizzle, Cecil, Hudson Thompson, Inc.

Fuller, William P., Jr., Auburn University (Student Government Association).

Gloor, Tom, Jefferson County.

Golden, Jeff, Alabama Association of Student Financial Aid Administrators.

Graham, Joe W., Alabama Forestry Association.

Gray, Billy, Birmingham Fire Fighters Association Local 117.

Greene, Johnnie M., Labor.

Hallam, Philip Glendon, Alabama Wholesale Beer and Wine Association.

Hamilton, D. N., American Reciprocal Insurance Association.

Hamilton, D. N., Alabama Bar Association.

Hamilton, D. N., The Circuit Clerks and Registers Association of the State of Alabama.

Hamilton, D. N., Alabama League of Municipalities.

Hamner, Reginald T., Alabama State Bar.

Hathcock, Perry C., Labors City Employee.

Hawthorne, Frank H., Alabama Power Company.

Hendrix, J. E., State Law Enforcement Assoc.

Horne, John E., Alabama Rural Electric Association.

House, Mike, Permanent Study Commission.

Hubbert, Paul R., Alabama Educational Association.

Hutchinson, George E., Alabama Nursing Home Association.

Jackson, G. I., C W A Local 10908.

Jason, Elza, Alabama Womens Political Caucus.

Jetton, Bruce, Alabama Trial Lawyers Association.

Jones, Ferrell S., Jr., I.B.E.W.

Johnson, John B., Alabama Petroleum Council.

Johnson, Gerald L., Birmingham Association of City Employees.

Johnston, J. Reese, Jr., Jefferson County Alabama.

Jordan, Lucy, Druid City Hospital.

Katz, Jane L., League of Women Voters.

Kelce, William M., Alabama Surface Mining-Reclamation Council.

Kendall, Bob, Jr., Alabama Railroad Association.

King, Tom, City of Birmingham.

Kitchings, Atley A., South Central Bell Telephone Co.

Lacy, Alex S., Alabama Gas Corp.

Lawley, R. W., Jr., University of Montevallo.

Lawley, William R., Jr., Alabama Citizens For Transportation.

Lewis, Riley L., Jr., The Western Hill Trade Association Inc.

Long, G. C., Jr., Alabama Hospital Association.

Lowery, Dexter, Public Service Employees Local Union 1279

Ludolf, Luther P., Birmingham Fire Fighters Association.

Lumpkin, B. J., Alabama Fire Fighters Pension Fund Association.

Lybrand, Fred Ray, Independent Bankers Division, Alabama Bankers Association.

MacMahon, W. O., III, City of Birmingham, Alabama (Mayor G. G. Seibels, Jr.).

McDonald, Charles, Alabama Retail Association.

McDowell, Rex, City Council of Birmingham.

McGregor, Tom, Alabama Gas Corporation.

McMillan, Harry M., Alabama Chamber of Commerce.

Marr, Thomas M., City of Citronelle.

Martin, Lonnie E., Alabama Association of Realtors.

Martin, Ruel B., United Auto Workers of Alabama.

Middleton, Ruby B., Alabama State Chiropractic Association—Dr. C. J. Wilson, President.

Miller, John W., Home Builders Association of Alabama.

Miller, Largent M., Alabama—Mississippi Independent Telephone Association.

Milne, John D., 3M Company.

Mills, Robert E., IBEW.

Mobley, Gilbert, Associated Industries of Alabama.

Morris, Howard J., Jr., Alabama Bankers Association.

Murdock, Jerry D., Carlton E. Smith, Acting Executive Director.

Ozment, David, Alabama Poultry & Egg Association.

Parson, Milton K., Alabama Farm Bureau Federation.

Peelen, Jean P., Self (Human Rights).

Pepperman, J. Ed, United States Brewers Association, Inc.

Perry, Joy Ann, LIUNA—AFL & CIO.

Pippin, Earl C., Alabama Consumer Finance Association.

Pratt, Jack E., Steelworkers Legislative Committee Alabama.

Price, Charles D., South Central Bell.

Price, John W., Mobile County Law Enforcement Association.

Price, Vic, Alabama State Employees Association.

Price, William H., Auburn University (Student Government Association).

Prigmore, Dr. Charles S., Faculty Coalition of University of Alabama.

Purvis, James R., Public Employee Local 1317 L.I.U.N.A.—AFL-CIO.

Quinn, Randy, Alabama Association of School Boards.

Rawls, W. C., Communications Workers of America.

Reddick, A. B., Allstate Insurance Companies.

Ritchie, James I., Alabama Trucking Association, Inc.

Robertson, Joseph G., Alabama Society of CPA's.

Robinson, Price E., Professional Fire Fighters Association of Alabama.

Rogers, Frank E., Melvin Bailey—Jefferson County Sheriff's Department.

Roquemore, Perry Crawford, Jr., Alabama League of Municipalities.

Rowe, Charles, Jacksonville State University.

Ruffer, Frank, Alabama Asphalt Pavement Association.

Sexton, Cecil D., Montgomery Fire Fighters Association.

Sharpless, O. H. (Buddy), Association of County Commissioners of Alabama.

Shertzer, L. L., Jr., Alabama Road Builders' Association.

Sigler, W. C., Communications Workers of America.

Smith, Carlton E., Assistant Executive Director (Leg Affecting State Employees).

Smith, Dr. John L., Citizen Impact.

Smith, J. W., Mobile County Law Association.

Smith, Philip, Talladega College.

Smith, William H., Alabama Sheriffs' Association.

Slater, Stanley M., Alabama Gas Corporation.

Slatton, Don R., Home Builders Association of Alabama.

Splain, Bennie L., Jr., International Union of Operating Engineers.

Spradley, Taylor, Montgomery Fire Fighters Association AFL-CIO.

Springer, Curtis H., Alabama Dairy Products Association.

Stansell, Theodore M., Alabama Council—American Institute of Architects; Alabama Society of Dispensing Opticians.

Stefancic, Stanley R., Alabama Common Cause.

Stewart, Donald T., IBEW.

Strain, Robert E., United States Steel Corporation.

Streetman, Harold E., Automobile Dealers Association of Alabama, Inc.

Strickland, G. G., Birmingham Fire Fighters Association.

Thiemonge, Frank L., Jr., Alabama Safety Council, Inc.

Tiffany, David M., University of South Alabama.

Timmons, Robert D. "Bobby", Alabama Sheriffs' Association.

Trammell, A. G., Alabama AFL-CIO.

Turner, Robert L., Alabama Sheriffs Association.

Underwood, Kenneth W., Jr., South Central Bell Telephone Company.

Varner, William R., City of Gadsden Employees.

Vaughan, Howard R., Liberty National Life Insurance Company.

Vaughn, Peggy G. (Mrs. Jake R.), (Private Citizen) (Pharmaceutical-Criminal-Education).

Vogtle, Jesse S., Alabama Power Company.

Von Hagel, A. B., Jr., Birmingham Fire Fighters' Association.

Walker, James A., Jr., Alabama Dental Association.

Waller, Michael R., (District Coordinator) Alabama Student Lobby.

Wasson, Don F., Alabama Mining Institute.

Waters, W. D., Montgomery Fire Fighters' Association.

Watkins, John F., Alabama League of Municipalities.

Watson, Slade G., Common Cause of Alabama.

Weidler, Mary B., National Organization for Women.

Whetstone, John David, Alabama District Attorneys' Association.

Whitaker, Richard C., Medical Association of the State of Alabama.

Whitesell, Calvin M., Sperry & Hutchinson Co.; Alabama Association of Optometrists & Opticians, Tobacco Tax Council.

Wilson, E. Ham, Alabama Cattlemen's Association.

Yacko, Philip J., Alabama State Employees Association.

Yeaman, James O., Alabama Coalition for Better Education; Automotive Wholesalers' Association of Alabama, Inc.

Yeomans, Andy, State Law Enforcement Association, Inc.

Additional information on Registered Lobbyists on file in office of Secretary of Senate.

ROSTER OF THE SENATE OF ALABAMA

THIRD EXTRAORDINARY SESSION 1975

Jere Beasley, <i>Lieutenant Governor</i>	State Capitol, Montgomery
Joe Fine, <i>President Pro-Tem</i>	Russellville
McDowell Lee, <i>Secretary</i>	Montgomery
First Senatorial District	
Ronnie G. Flippo	P. O. Box 1221, Florence 35630
Second Senatorial District	
Joe Fine	P. O. Box 818, Russellville 35653
Third Senatorial District	
Bingham Edwards	P. O. Box 632, Decatur 35601
Fourth Senatorial District	
Finis St. John	P. O. Drawer K, Cullman 35055
Fifth Senatorial District	
Robert T. (Bob) Wilson	1501 First Ave., Jasper 35501
Sixth Senatorial District	
Albert McDonald	6800 Madison Pike, Huntsville 35806
Seventh Senatorial District	
Bill G. King	P. O. Box 382, Huntsville 35804
Eighth Senatorial District	
John Baker	Rt. 3, Rainsville 35986
Ninth Senatorial District	
Sid McDonald	P. O. Box 546, Arab 35016
Tenth Senatorial District	
Gerald W. Waldrop	181 Lakeshore Dr., (Rt. 10, Box 192A) Gadsden 35901
Eleventh Senatorial District	
George McMillan	1550 First National Southern Natural Bldg., Birmingham 35203
Twelfth Senatorial District	
Paschal P. ("Pat") Vacca	929-30 Frank Nelson Bldg., Birmingham 35203
Thirteenth Senatorial District	
J. Richmond Pearson	809 Bolin Street, S. W. Birmingham 35211
Fourteenth Senatorial District	
Robert L. "Bob" Ellis, Jr.	509 Poplar Lane, Adamsville 35005
Fifteenth Senatorial District	
U. W. Clemon	2121 Building, Suite 1600 Birmingham 35203
Sixteenth Senatorial District	
Richard C. Shelby	324 First Federal Bldg., Tuscaloosa 35401

- Seventeenth Senatorial District
Eddie Hubert Gilmore P. O. Box 546, Bessemer 35020
- Eighteenth Senatorial District
Obie J. Littleton P. O. Box 1288, Clanton 35045
- Nineteenth Senatorial District
Robert (Bobby) Weaver P. O. Box 735, Talladega 35160
- Twentieth Senatorial District
Donald W. Stewart P. O. Box 2182, Anniston 36201
- Twenty-first Senatorial District
T. D. (Ted) Little P. O. Box 342, 544 Sherwood Dr.,
Auburn 36830
- Twenty-second Senatorial District
C. C. "Bo" Torbert, Jr. P. O. Box 711, Opelika 36801
- Twenty-third Senatorial District
T. Dudley Perry P. O. Box 419, Tuskegee 36083
- Twenty-fourth Senatorial District
Sam L. Adams P. O. Box 1690, Dothan 36301
- Twenty-fifth Senatorial District
E. C. (Crum) Foshee P. O. Drawer J, Red Level 36474
- Twenty-sixth Senatorial District
Jerry Powell P. O. Box 400, Eclectic 36024
- Twenty-seventh Senatorial District
Fred Jones 132 S. Perry St., Montgomery 36104
- Twenty-eighth Senatorial District
"Walking" Wendell Mitchell P. O. Box 225, Luverne 36049
- Twenty-ninth Senatorial District
Walter C. Givhan Safford 36773
- Thirtieth Senatorial District
Bert Bank No. 7 Burnt Pine, Rt. 2, Northport 35476
- Thirty-first Senatorial District
Maston Mims Rt. One, Uriah 36480
- Thirty-second Senatorial District
L. D. (Dick) Owen, Jr. P. O. Box 45, 211-11th St.,
Bay Minette 36507
- Thirty-third Senatorial District
Mike Perloff 257 St. Anthony St., Mobile 36606
- Thirty-fourth Senatorial District
L. W. "Red" Noonan 161 McGregor Ave., Mobile 36608
- Thirty-fifth Senatorial District
Bill Roberts Rt. 1, Box 278, Theodore 36582

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1975**

FINANCE AND TAXATION

Owen, Chairman; Torbert, Vice-Chairman; Adams, Baker, Edwards, Fine, Foshee, Flippo, Gilmore, Givhan, Jones, Littleton, Mitchell, Perloff, Shelby, Stewart, Wilson.

RULES

Foshee, Chairman; Littleton, Vice-Chairman; Fine, Flippo, Gilmore, Shelby, Weaver.

JUDICIARY

St. John, Chairman; Mitchell, Vice-Chairman; Clemon, King, Little, A. McDonald, S. McDonald, McMillan, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver.

CONSTITUTION AND ELECTIONS

King, Chairman; Ellis, Vice-Chairman; Adams, Flippo, Little, A. McDonald, S. McDonald, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Vacca, Weaver.

BUSINESS AND LABOR RELATIONS

Weaver, Chairman; Waldrop, Vice-Chairman; Ellis, Givhan, Little, A. McDonald, McMillan, Noonan, Pearson, Powell, Stewart.

CONSERVATION

Pearson, Chairman; Adams, Vice-Chairman; Clemon, King, Mims, Mitchell, Roberts, Stewart, Wilson.

EDUCATION

S. McDonald, Chairman; Clemon, Vice-Chairman; Adams, Bank, Ellis, Little, A. McDonald, Mitchell, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Waldrop.

HEALTH AND WELFARE

Bank, Chairman; Noonan, Vice-Chairman; Givhan, A. McDonald, S. McDonald, McMillan, Powell, Torbert, Waldrop.

BANKING

Fine, Chairman; Vacca, Vice-Chairman; Foshee, Gilmore, Givhan, Jones, Mitchell, Powell, Stewart.

INSURANCE

Mitchell, Chairman; Weaver, Vice-Chairman; Baker, Givhan, Littleton, Mims, Powell, Shelby, Wilson.

AGRICULTURE

Mims, Chairman; A. McDonald, Vice-Chairman; Adams, Baker, Bank, Edwards, Ellis, Givhan, Little, Perry, Noonan, Vacca, Weaver.

COMMERCE, TRANSPORTATION AND UTILITIES

Flippo, Chairman; McMillan, Vice-Chairman; Edwards, Fine, Foshee, Gilmore, Littleton, S. McDonald, Pearson.

STATE GOVERNMENT

Jones, Chairman; Gilmore, Vice-Chairman; Bank, Clemon, King, McMillan, Pearson, Perloff, Shelby, St. John, Stewart.

LOCAL GOVERNMENT

Roberts, Chairman; Perry, Vice-Chairman; Baker, Bank, Ellis, King, Little, A. McDonald, St. John, Vacca, Waldrop.

SEAPORTS AND INLAND WATERWAYS

Noonan, Chairman; Edwards, Vice-Chairman; Adams, Jones, Mims, Perloff, Roberts, Vacca, Wilson.

LOCAL LEGISLATION NO. 1

Littleton, Chairman; Baker, Vice-Chairman; Edwards, Flippo, Jones, King, Mims, Noonan, Perloff.

LOCAL LEGISLATION NO. 2

Gilmore, Chairman; Vacca, Vice-Chairman; Clemon, Ellis, Littleton, McMillan, Pearson, Wilson.

ROSTER
HOUSE OF REPRESENTATIVES
OF ALABAMA, 1975

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

ROBERT T. (BOBBY TOM) CROWE
Speaker Pro-Tem, Jasper

JOHN W. PEMBERTON, *Clerk*, Montgomery

RICHARD C. WHITAKER
Reading Clerk, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Lynn Greer	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Robert M. (Bob) Hill, Jr. . .	119 Mobile Street, Plaza, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom C. Coburn	1107 E. 3rd St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35660
5	FRANKLIN, MARION	Paul J. Weeks	P. O. Box 674, Winfield 35594
6	LAMAR, MARION, FAYETTE	Allen McNees	Rt. 1, Vernon 35592
7	LAWRENCE, MORGAN	Wayland Cross	Box D, Courtland 35618
8	MORGAN	Charles B. Martin	1716 Camellia Dr., S.W., Decatur 35601
9	MORGAN	Tommy Ed Roberts	Rt. 4, Box 293-E, Decatur 35601
10	MORGAN, CULLMAN	Tom Drake	P. O. Box 36, Cullman 35055
11	CULLMAN, WINSTON	John R. Sparks	919 Nunnely Dr., S.W., Cullman 35055

- 12 WINSTON, WALKER
Robert T. (Bobby Tom) Crowe Box 2308, Jasper 35501
- 13 WALKER
Alvis Naramore 5th Ave. & 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT
Carl Jolly P. O. Box 366, Gardendale 35071
- 15 JEFFERSON
Robert B. (Bob) Hall Rt. 2, Box 593-W, Pinson 35126
- 16 LIMESTONE
Tommy Carter Rt. 2, Elkmont 35620
- 17 LIMESTONE, MADISON
Warren C. Moore Rt. 3, Box 875, Huntsville 35806
- 18 MADISON
Frank H. Riddick 2920 Hillsboro Rd., S.W., Huntsville 35805
- 19 MADISON
Richard Gregg 401 Wynn Dr., Huntsville 35805
- 20 MADISON
Robert E. Albright 2024 Stanhope Dr., N.E., Huntsville 35811
- 21 MADISON
Bill Smith 2203 Colice Rd., S.E., Huntsville 35801
- 22 MADISON, JACKSON
Hartwell Lutz Suite 52, Central Bank Bldg., Huntsville 35801
- 23 JACKSON
Bethel D. Starkey P. O. Box 3, Pisgah 35765
- 24 JACKSON, DeKALB
Roger Killian P. O. Box 4, Fort Payne 35967
- 25 DeKALB, MARSHALL
Hinton Mitchem P. O. Box 297, Albertville 35950
- 26 MARSHALL
Phillip B. (Phil) Kelley Rt. 2, Box 486, Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL
Joe Brindley Rt. 3, Box 336A, Boaz 35957
- 28 ETOWAH
Joe M. Ford 117 Arcade St., Gadsden 35903
- 29 ETOWAH
Hubert L. Taylor 2714 Hazel Dr., Gadsden 35901
- 30 ETOWAH, CHEROKEE
Kerry Rich Rt. 12, Gadsden 35901

- 31 JEFFERSON
Dr. Dewey White, Jr. P. O. Box 7685A, Birmingham 35223
- 32 JEFFERSON
Francis Falkenburg 3001 Argyle Rd., Birmingham 35213
- 33 JEFFERSON
Robert C. (Bob) Gafford . . . 5345 Division Ave., Birmingham 35212
- 34 JEFFERSON
Richard Andrews P. O. Box 6061, Birmingham 35209
- 35 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON
Hoyt W. Trammell Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON
Tom Leonard 1725 Windsor Blvd., Homewood 35209
- 38 JEFFERSON
Ronald Edward Jackson 1605 8th Ave., N., Frazier Bldg.,
Birmingham 35203
- 39 JEFFERSON
Rev. John T. Porter 1101 Montevallo Rd., S. W.,
Birmingham 35211
- 40 JEFFERSON
Jack Hopping, Sr. 2804 Ave. G., Birmingham 35218
- 41 JEFFERSON
Chris McNair P. O. Box 1851, Birmingham 35201
- 42 JEFFERSON
Hugh Boles 1036 Normandale Circle, Hueytown 35020
- 43 JEFFERSON
Jerome Tucker Suite 1722, 2121 Bldg., 8th Ave., N.,
Birmingham 35203
- 44 JEFFERSON
A. L. (Tony) Harrison 1214-4th Place No., Birmingham 35204
- 45 JEFFERSON
Earl F. Hilliard 1605 Eighth Ave., North Birmingham 35203
- 46 TUSCALOOSA
Jimmy Lee No. 2 Wood Manor, Tuscaloosa 35401
- 47 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th St., N.E., Tuscaloosa 35401
- 48 TUSCALOOSA, BIBB
Walter Owens 107 Court Sq., West Centreville 35042

- 49 TUSCALOOSA, JEFFERSON
Asbury Howard 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON
Ralph (Buddy) Armstrong ... 1821 3rd Ave., North Bessemer 35020
- 51 JEFFERSON, SHELBY
James T. (Jabo) Waggoner, Jr. 1829 Mission Rd.,
Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA
Sonny Moore P. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY
Curtis Smith Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA
Murray P. McCluskey Box 599, Sylacauga 35150
- 55 TALLADEGA
John A. Teague 708 Forest Hill Dr., Childersburg 35044
- 56 ST. CLAIR, CALHOUN
Marilyn Quarles P. O. Box 214, Springville 35146
- 57 CALHOUN
Thomas R. (Tom) Shelton P. O. Box 434, Jacksonville 36265
- 58 CALHOUN
Ray Burgess 501 East 49th St., Anniston 36201
- 59 CALHOUN
Hugh D. Merrill P. O. Box 1498, Anniston 36201
- 60 CLAY, CLEBURNE, TALLADEGA
Gerald O. Dial Box 275, Lineville 36266
- 61 RANDOLPH, CHAMBERS
Monroe Smith Rt. 1, Box 984, Lanett 36863
- 62 TALLAPOOSA, CHAMBERS
Larry Morris Madison St., Alexander City 35010
- 63 TALLAPOOSA, CHAMBERS, LEE
Pete Turnham P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE
G. J. (Dutch) Higginbotham P. O. Box 585, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR
Charles W. Whatley Rt. 5, Box 250, Opelika 36801
- 66 RUSSELL
James A. Baker 400 29th St., Phenix City 36867
- 67 MACON, BULLOCK
Thomas Reed Drawer EE, Tuskegee Institute 36088

- 68 PIKE, COFFEE, BULLOCK, BARBOUR
Joel M. Folmar P. O. Box 325, Troy 36081
- 69 DALE, BARBOUR, HENRY
James G. Sasser 1208 Skipperville Rd., Ozark 36360
- 70 HOUSTON, HENRY, BARBOUR
Buddy Crawford P. O. Box 129, Abbeville 36310
- 71 HOUSTON
Joe R. Carothers, Jr. Rt. 8, Box 33, Dothan 36301
- 72 DALE
R. Nolan Williams Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON
Jack W. Smith P. O. Box 728, Dothan 36301
- 74 COVINGTON, COFFEE
Jimmy W. Holley Rt. 3, Box 191E, Elba 36323
- 75 COVINGTON
Frank Jackson P. O. Box 209, Opp 36467
- 76 ELMORE
Jack B. Venable P. O. Box 736, Tallassee 36078
- 77 MONTGOMERY
Rufus A. Lewis 801 Bolivar St., Montgomery 36104
- 78 MONTGOMERY, CRENSHAW
Cecil L. Wyatt P. O. Box 1, Ramer 36069
- 79 MONTGOMERY
Bishop N. Barron P. O. Box 221, Montgomery 36101
- 80 MONTGOMERY
Alvin A. Holmes P. O. Box 6064, Montgomery 36106
- 81 MONTGOMERY
James D. Harris, Jr. ... 1406 Union Bank Bldg., Montgomery 36104
- 82 MONTGOMERY, AUTAUGA, LOWNDES, ELMORE
James J. Plaster Rt. 1, Box 193, Autaugaville 36003
- 83 WILCOX, LOWNDES, DALLAS
William D. Edwards Rt. 1, Box 180A, Ft. Deposit 36032
- 84 BUTLER, CRENSHAW
Eric O. Cates, Jr. Rt. 2, Box 222, Greenville 36037
- 85 DALLAS, AUTAUGA
John A. Lockett, Jr. P. O. Box 1354, Selma 36701
- 86 DALLAS, PERRY, MARENGO
R. Leigh Pegues 202 Early St., Marion 36756
- 87 MARENGO, SUMTER, HALE, GREENE
Richard S. (Rick) Manley P. O. Drawer U, Demopolis 36732

- 88 GREENE, PICKENS, TUSCALOOSA, HALE
George N. Clark Box 6, Eutaw 35462
- 89 TUSCALOOSA, PICKENS
Edward (Big Ed) Robertson P. O. Box 331, Northport 35476
- 90 SUMTER, CHOCTAW
Frank Campbell P. O. Box 992, Livingston 35470
- 91 ESCAMBIA
L. Brooks Hines P. O. Box 345, Brewton 36426
- 92 CLARKE, MONROE
Joe C. McCorquodale, Jr. P. O. Box 535, Jackson 36545
- 93 MONROE, CONECUH, ESCAMBIA
James E. (Jimmy) Warren P. O. Box 207, Castleberry 36432
- 94 BALDWIN
Daniel L. Kinsey P. O. Box 246, Foley 36535
- 95 BALDWIN, MOBILE
John M. McMillan, Jr. P. O. Box 253, Stockton 36579
- 96 WASHINGTON, MOBILE
J. Henry McCulley P. O. Box 45, Wagerly 36585
- 97 MOBILE
Robert (Ken) Malone 130 S. Hwy 43, Apt. 3, Saraland 36571
- 98 MOBILE
Cain J. Kennedy 1407 Davis Ave., Mobile 36603
- 99 MOBILE
John L. LeFlore P. O. Box 1091, Mobile 36601
- 100 MOBILE
J. Thomas (Tommy) Sandusky .. 2113 Knollwood Dr., Mobile 36609
- 101 MOBILE
H. L. (Sonny) Callahan P. O. Box 1208, Mobile 36601
- 102 MOBILE
Nat Sonnier 2551 Old Shell Rd., Mobile 36607
- 103 MOBILE
Gary Cooper P. O. Box 25, Mobile 36601
- 104 MOBILE
Douglas I. Johnstone P. O. Box 1988, Mobile 36601
- 105 MOBILE
Bob Glass 4723 Bavarian Dr., Mobile 36619

STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1975

RULES

Drake, Chairman; Jackson, F., Vice-Chairman; Biddle, Boles, Carothers, Cooper, Goodwin, Gregg, Higginbotham, Hill, McNees, Owens, Pegues, Rich, Sandusky.

WAYS & MEANS

Merrill, Chairman; Robertson, Vice-Chairman; Barron, Callahan, Coburn, Crawford, Folmar, McCluskey, McNair, Naramore, Plaster, Riddick, Turnham, Waggoner, Weeks.

JUDICIARY

Manley, Chairman; Lutz, Vice-Chairman; Armstrong, Clark, Falkenburg, Harris, Hill, Jackson, R.; Johnstone, Kennedy, Killian, Lockett, Morris, Taylor, Tucker.

STATE ADMINISTRATION

Owens, Chairman; Higginbotham, Vice-Chairman; Carter, Crowe, Edwards, Jackson, F.; Kelley, Lewis, McCulley, McMillan, McNees, Smith, C.; Sonnier, Warren, Williams.

BUSINESS & LABOR

Malone, Chairman; Morris, Vice-Chairman; Albright, Coburn, Ford, Hilliard, Hines, Hopping, Roberts, Robertson, Smith, B.; Trammell, Whatley, White, Wyatt.

HEALTH

Falkenburg, Chairman; White, Vice-Chairman; Biddle, Burgess, Carothers, Greer, Hines, Holmes, Johnson, Killian, LeFlore, Quarles, Roberts, Sasser, Smith, B.

BANKING

Gafford, Chairman; Callahan, Vice-Chairman; Armstrong, Baker, Cates, Crowe, Dial, Ford, Glass, Jolly, Lee, Lewis, Lutz, Roberts, Williams.

INSURANCE

Kinsey, Chairman; Cooper, Vice-Chairman; Andrews, Carter, Dial, Higginbotham, Howard, Jackson, F.; Lee, Moore, W.; Owens, Shelton, Smith, M.; Sparks, Wyatt.

EDUCATION

Turnham, Chairman; Sasser, Vice-Chairman; Albright, Andrews, Baker, Boles, Brindley, Harrison, Hines, Holley, Holmes, Johnson, Quarles, Starkey, Wyatt.

AGRICULTURE

Mitchem, Chairman; Smith, M., Vice-Chairman; Cross, Edwards, Gafford, Howard, Kinsey, Moore, W.; Plaster, Rich, Sandusky, Smith, C.; J.; Weeks, Whatley.

CONSERVATION

Carter, Chairman; Warren, Vice-Chairman; Clark, Cross, Glass, Greer, Hall, Johnstone, Kelley, Leonard, McMillan, Smith, C.; Smith, M.; Starkey, Teague.

PUBLIC WELFARE

Reed, Chairman; LeFlore, Vice-Chairman; Campbell, Clark, Folmar, Gregg, Harris, Hilliard, Johnson, Killian, Lockett, Porter, Shelton, Starkey, Tucker.

CONSTITUTION & ELECTIONS

Smith, J., Chairman; Lee, Vice-Chairman; Barron, Brindley, Cates, Goodwin, Hall, Holmes, LeFlore, Leonard, Martin, Moore, S.; Sandusky, Sparks, Venable.

COMMERCE & TRANSPORTATION

Cross, Chairman; Burgess, Vice-Chairman; Biddle, Campbell, Carothers, Harrison, Holley, Kelley, McCluskey, McCulley, McMillan, Manley, Moore, S.; Sonnier, Teague.

LOCAL GOVERNMENT

Venable, Chairman; Martin, Vice-Chairman; Campbell, Cooper, Crawford, Jolly, McNair, Malone, Mitchem, Morris, Pegues, Porter, Quarles, Taylor, Waggoner.

MILITARY AFFAIRS

Cates, Chairman; Ford, Vice-Chairman; Dial, Goodwin, Greer, Hall, Harris, Harrison, Jackson, R.; Jolly, Kennedy, Lockett, Riddick, Sasser, Sonnier.

HIGHWAY SAFETY

Burgess, Chairman; Smith, Bill, Vice-Chairman; Glass, Hill, Hilliard, Hopping, Lewis, Lutz, McCulley, Martin, Moore, S.; Naramore, Reed, Trammell, Venable.

LOCAL LEGISLATION NO. 1

Edwards, Chairman; Teague, Vice-Chairman; Brindley, Dial, Holley, Johnson, Kelley, Pegues, Reed, Rich, Shelton, Sparks, Warren, Whatley, Williams.

LOCAL LEGISLATION NO. 2

(Jefferson)

McNair, Chairman; Andrews, Vice-Chairman; Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Harrison, Hilliard, Hopping, Howard, Jackson, R.; Jolly, Leonard, Moore, S.; Porter, Trammell, Tucker, Waggoner, White.

LOCAL LEGISLATION NO. 3
(Mobile)

Callahan, Chairman; Glass, Vice-Chairman; Cooper, Johnstone, Kennedy, LeFlore, McCulley, McMillan, Malone, Sandusky, Sonnier.

LOCAL LEGISLATION NO. 4
(Montgomery-Madison)
Montgomery

Barron, Chairman; Harris, Holmes, Lewis, Plaster, Wyatt.

Madison

Lutz, Vice-Chairman; Albright, Gregg, Moore, W.; Riddick, Smith, B.

COMMITTEE ON
INTERGOVERNMENTAL COOPERATION

Crawford, Chairman; McCorquodale, White, Kelley, Kinsey.

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PRESIDENT OF THE UNITED STATES

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